

IN RE: PETITION FOR SPECIAL HEARING  
NEC George Avenue & Beck Road

316 George Avenue  
15th Election District  
7th Councilmanic District  
Bobby Berger, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-376-SPH

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 316 George Avenue in Essex. The Petition is filed by Bobby Berger and Linda Berger, his wife, property owners. Special Hearing relief is requested to approve the use of a shipping container (as an accessory structure) as a legal nonconforming use. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Neither property owner/Petitioner appeared at the public hearing. Rather, appearing at the hearing on their behalf was Michael Kaminski who identified himself as employed in the construction industry. Two neighbors from the surrounding locale appeared in opposition to the request; namely, Robert F. Hopkins and Howard Wimbley. Neither side was represented by counsel.

Testimony and evidence offered was that the subject property is approximately 1/4 acre in area, zoned D.R.5.5. The property is located adjacent to the intersection of Beck Road and George Avenue, not far from Eastern Avenue in Essex. Apparently, the property is unkept and is in a state of disrepair. It has been an eyesore to the community and is the subject of an active zoning violation case, the disposition of which is pending the resolution of this matter.

UNDER RECORDED FOR FILING  
Date 4/29/97  
By M. Porch

Mr. Kaminski indicated that the subject property is improved with a two apartment building, which is presently unoccupied. The site plan indicates that the building is 22 ft. in width and 45 ft. in depth. The property also contains an 18 x 19 ft. detached garage. The subject of the hearing is a tractor trailer type container which was moved onto the property several months ago. Mr. Kaminski indicated that the container was needed for storage purposes in that the garage is deteriorating and unusable. He indicated that the property owners have plans to build a structure around the trailer, thereby masking its appearance, however, no formal building plans were submitted at the hearing.

The Protestants are suspicious of the property owners' intentions. Mr. Hopkins and Mr. Wimbley indicated that the property has been an eyesore for the community for some time. They testified that the trailer recently appeared on the site and indicated that they were concerned that the property would further deteriorate. They also oppose the location of the trailer on the site, believing that same gives this residential neighborhood an industrial/commercial appearance.

It is difficult to understand why the property owners have filed the request which is before me. As noted above, that Petition asks that the container be approved as a legal nonconforming use. However, no evidence was offered to support that claim.

Nonconforming uses are defined in Section 104 of the Baltimore County Zoning Regulations (BCZR). Essentially, a nonconforming use is a use of property which is illegal under the zoning regulations but may be made legitimate if same predates the date of the adoption of the regulation which prohibits the use. The nonconforming use designation is used to "grandfather" an otherwise existing use.

Clearly, this use is not nonconforming. Uncontradicted testimony offered was that the trailer has been on the property but for a short

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By M. Good

time. Clearly, it has not existed on the site prior to the time the zoning regulations/policy which prohibit the storage of trailers on residential properties were adopted.

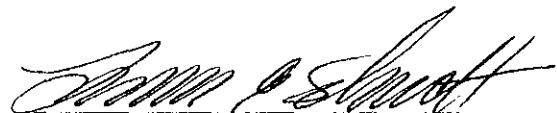
In this regard, page 4-1.5 of the Zoning Commissioner's Policy Manual regulates trailers, shipping containers, truck bodies and similar vehicles. That section of the Manual indicates that such vehicles are not permitted on residential properties as principal or accessory structures. Thus, clearly, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29<sup>th</sup> day of April 1997 that, pursuant to the Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, be and is hereby DENIED, and subject to the following:

1. The property owners/Petitioners must remove the subject trailer within 30 days from the date of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.



LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By M. J. Goad

IN THE MATTER OF	*	BEFORE THE
THE APPLICATION OF	*	COUNTY BOARD OF APPEALS
<u>BOBBY BERGER, ET UX</u>	*	
FOR SPECIAL HEARING ON	*	OF
PROPERTY LOCATED ON THE NORTH-	*	
EAST CORNER GEORGE AVENUE AND	*	BALTIMORE COUNTY
BECK ROAD (316 GEORGE AVENUE)	*	
15TH ELECTION DISTRICT	*	CASE NO. 97-376-SPH
7TH COUNCILMANIC DISTRICT	*	

\* \* \* \* \*

### ORDER OF DISMISSAL

This case comes to the Board of Appeals based on an appeal filed on May 22, 1997 by Appellants /Petitioners, based on a decision by the Zoning Commissioner of Baltimore County in which a Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, was denied.

This case was scheduled for public hearing on Thursday, December 11, 1997 at 10:00 a.m., due notice having been given to all interested parties. The Board convened at 10:00 a.m. with the following Protestants in attendance: Mr. Howard Wimbley, Mr. Robert F. Hopkins, and Mrs. JoAnn Hopkins.

None of the Appellants, neither Michael Kaminski nor Bobby Berger, was present. At 10:20 a.m., a telephone call was placed by the Board's Administrator to Mr. Berger, who indicated that the shipping container had been removed, as directed in the Zoning Commissioner's Order of April 29, 1997; and that the appeal could be dismissed.


The Board reconvened and, on the record, dismissed the appeal, with prejudice.

O R D E R

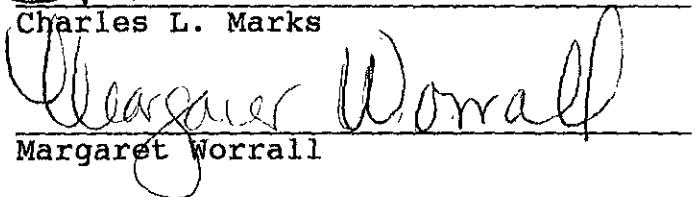
IT IS THEREFORE, this 22nd day of December, 1997 by  
the County Board of Appeals of Baltimore County

ORDERED that said appeal be and the same is hereby DISMISSED,  
with prejudice.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

  
Kristine K. Hewanski, Chairman

  
Charles L. Marks

  
Margaret Worrall



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

December 22, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, MD 21222

RE: Case No. 97-376-SPH  
Bobby Berger, et ux -Petitioners

Dear Mr. and Mrs. Berger:

Enclosed please find a copy of the Order of Dismissal issued  
this date by the County Board of Appeals of Baltimore County  
in the subject matter.

Very truly yours,

A handwritten signature in cursive script, reading "Kathleen C. Bianco for".

Kathleen C. Bianco  
Administrator

encl.

cc: Michael Kaminski  
Robert and Joanne Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney





Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 29, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, Maryland 21222

RE: Petition for Special Hearing  
Case No. 97-376-SPH  
Property: 316 George Avenue

Dear Mr. and Mrs. Berger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
att.

c: Mr. Michael Kaminski  
527 S. 45th Street  
Baltimore, Maryland 21224

c: Mr. Robert F. Hopkins  
310 George Avenue  
Essex, Md. 21221

c: Mr. Howard Wimbley  
314 George Avenue  
Essex, Maryland 21221

*Roslin*  
*175*  
*35*

RE: PETITION FOR SPECIAL HEARING \* BEFORE THE  
316 George Avenue, NEC George Ave and Beck Rd  
15th Election District, 7th Councilmanic \* ZONING COMMISSIONER  
Legal Owner(s): Bobby and Linda Berger \* OF BALTIMORE COUNTY  
Petitioners \*  
CASE NO. 97-376-SPH

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25<sup>th</sup> day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael Kaminski, 527 S. 45th Street, Baltimore, MD 21224, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN





# Petition for Special Hearing

97-376-5PH

to the Zoning Commissioner of Baltimore County

for the property located at

316 George Ave

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

THE USE OF A SHIPPING CONTAINER (FOR USE AS AN ACCESSORY STRUCTURE) AS A LEGAL NON-CONFORMING USE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

376

97-376-SPH

ZONING DESCRIPTION FOR 316 George Ave  
(address)

Beginning at a point on the West side of  
(north, south, east or west)

George Ave which is 20' Ft  
name of street property fronts \ number of feet of right of way width

wide at the distance of 275 Ft North of the  
(number of feet) (north, south, east, west)

centerline of the nearest improved intersecting street NACE Ave  
(name of street)

which is 35' Ft wide. \*Being Lot # 19  
(number of feet of right-of-way width)

Block - Section # - in the subdivision of ESSEX  
(name of subdivision)

as recorded in Baltimore County Plat Book # 3, Folio # 15,

containing 6710 Sq Ft. Also known as 316 George Ave  
(square feet or acres) (property address)

and located in the 15 Election District, 7 Councilmatic  
District.

376

BALTIMORE COUNTY MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No.

030256

DATE 6/3/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Linda and Robert Berger

FOR: Appeal #97-376-SPH

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

RYE

CASHIER'S VALIDATION

BALTIMORE COUNTY MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No.

030256

DATE 6/3/97 ACCOUNT R-001-6150

AMOUNT \$ 210.00

RECEIVED FROM: Linda and Robert Berger

FOR: Appeal #97-376-SPH

DISTRIBUTION

WHITE - CASHIER

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No.

032673

DATE 2-6-97 ACCOUNT F201-6150

AMOUNT \$ 50.00

RECEIVED FROM: Bobby Russell

Sp. Item (030)

FOR: \_\_\_\_\_

03071#0193#1CH10

BA 0003#04PH02-06-97

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

SCW

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was

TOWSON, MD., 3/20, 1997

published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,

*A. H. Williams*

LEGAL AD. - TOWSON

NOTICE OF HEARING  
The zoning commission of Baltimore County, by authority of the zoning act and hearing of a public hearing in Towson, Maryland on the property identified herein as follows:  
Case: #97-378-SPH  
16 George Avenue  
NEC George Avenue and Beck Road  
16th Election District  
17th Councilmanic  
Legal Description:  
Bobby, Betty and Linda  
Burger  
Special Hearing to approve the use of a shipping container for use as an accessory structure) as a legal non-conforming use.  
Hearing: Monday, April 7, 1997 at 11:00 a.m. in Rm. 118, Old Courthouse.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible for special accommodations.  
Please Call 887-9393.  
(2) For information concerning the file and/or hearing, Please Call 887-9391.  
3/248 March 20 C127832

**CERTIFICATE OF POSTING**

RE: Case # 97-376-A

Petitioner/Developer:  
(Bobby Berger)  
Date of Hearing/Closing:  
(April 7, 1997)

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204

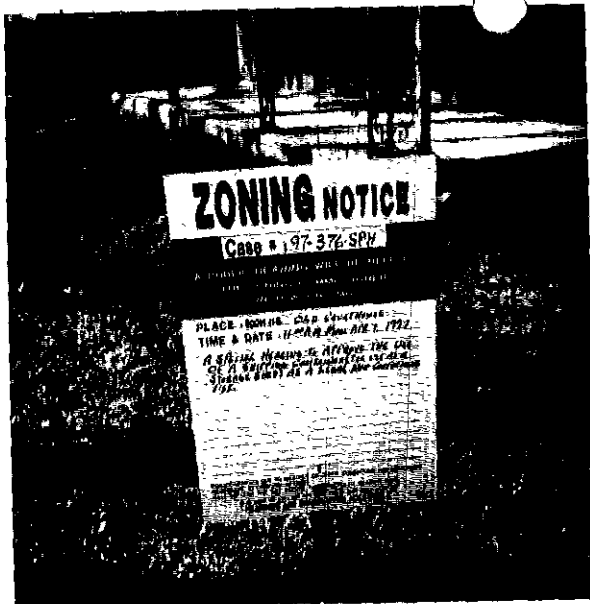
Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at \_\_\_\_\_

\_\_\_\_\_ 316 George Ave. Baltimore, Maryland 21221 \_\_\_\_\_

The sign(s) were posted on \_\_\_\_\_ March 21, 1997 \_\_\_\_\_  
(Month, Day, Year)



Sincerely,

*Thomas P. Ogle, Sr.*  
(Signature of Sign Poster & Date)

\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_  
(Printed Name)

\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_  
(Address)

\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_

\_\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
(Telephone Number)

97-376-SPH

# CERTIFICATE OF POSTING

RE: Case No.: 97-376 SPH

Petitioner/Developer: \_\_\_\_\_

BOBBY BERGER

Date of Hearing/Closing: \_\_\_\_\_

Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law  
were posted conspicuously on the property located at 316 GEORGE AVE

The sign(s) were posted on 7/16/97  
(Month, Day, Year)

Sincerely,

Gary Freund

(Signature of Sign Poster and Date)

GARY FREUND

(Printed Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 97-376-SPH.

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A SPECIAL HEARING TO APPROVE THE  
USE OF A SHIPPING CONTAINER (FOR USE AS A  
STORAGE SHED) AS A LEGAL NON-  
CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 376

Petitioner: Bobby Berger

Location: 316 George Ave Baltimore, MD. 21221

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Bobby (Al Tolson) Berger

ADDRESS: 1215 Ridge Shire Rd.

Baltimore, MD. 21222

PHONE NUMBER: (410) 282-7020

AJ:ggs

(Revised 09/24/96)

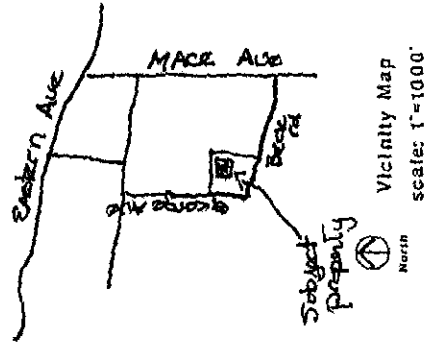
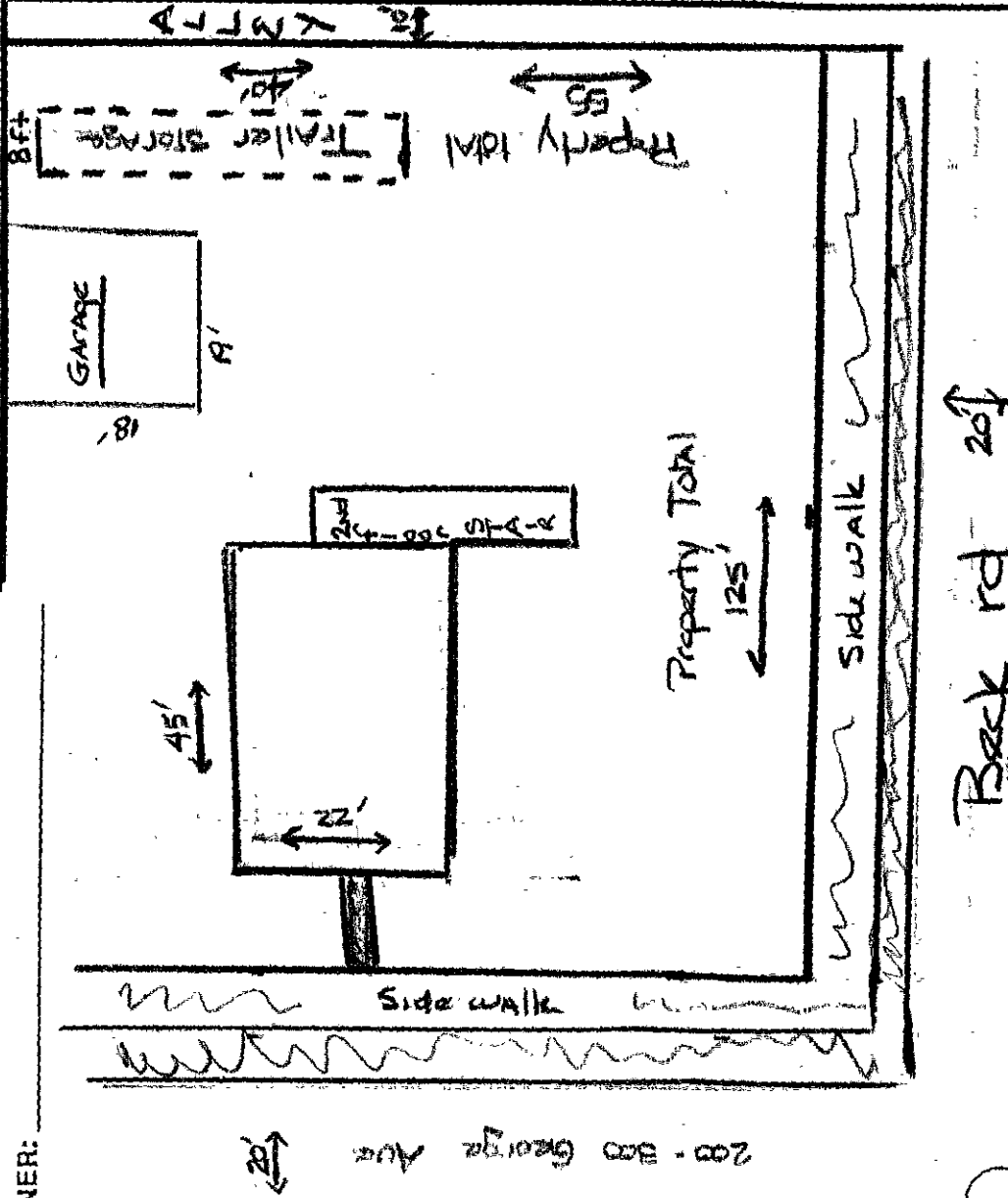


# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 316 George Ave see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_  
 plat book # \_\_\_\_\_, folio # \_\_\_\_\_, lot # \_\_\_\_\_, section # \_\_\_\_\_

OWNER: \_\_\_\_\_



## LOCATION INFORMATION

Election District: \_\_\_\_\_  
 Councilmanic District: \_\_\_\_\_

1"=200' scale map#:

Zoning: 1/4 6275  
 Lot size: acreage square feet

SEWER: ☒ public ☐ private  
 WATER: ☒ public ☐ private  
 Chesapeake Bay Critical Area: ☐ yes ☒ no  
 Prior Zoning Hearings: ☐ ☒

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE #: \_\_\_\_\_

North

date: 3-6-97

prepared by: owner

Scale of Drawing: 1"= 20'

TO: PUTUXENT PUBLISHING COMPANY  
March 20, 1997 Issue - Jeffersonian

Please forward billing to:

Bobby Al Jolson Berger  
1215 Ridgeshire Road  
Baltimore, MD 21222  
282-7020

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### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-376-SPH  
16 George Avenue  
NEC George Avenue and Beck Road  
15th Election District - 7th Councilmanic  
Legal Owner(s): Bobby Berger and Linda Berger

Special Hearing to approve the use of a shipping container (for use as an accessory structure) as a legal non-conforming use.

HEARING: MONDAY, APRIL 7, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 13, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-376-SPH  
16 George Avenue  
NEC George Avenue and Beck Road  
15th Election District - 7th Councilmanic  
Legal Owner(s): Bobby Berger and Linda Berger

Special Hearing to approve the use of a shipping container (for use as an accessory structure) as a legal non-conforming use.

HEARING: MONDAY, APRIL 7, 1997 at 11:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon  
Director

cc: Bobby and Linda Berger  
Michael Kaminski

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MARCH 23, 1997.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

Hearing Room - Room 48  
Old Courthouse, 400 Washington Avenue

September 26, 1997

NOTICE OF ASSIGNMENT

CASE #: 97-376-SPH

IN THE MATTER OF: BOBBY BERGER, ET UX -Petitioners  
316 George Avenue 15th E; 7th C

(Petition for Special Hearing DENIED by Z.C.)

ASSIGNED FOR:

THURSDAY, DECEMBER 11, 1997 at 10:00 a.m.

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

Kathleen C. Bianco  
Administrator

cc: Appellants /Petitioners : Mr. & Mrs. Bobby Berger

Michael Kaminski /Builder

Protestants

: Robert F. Hopkins  
Howard Wimbley

People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

*12/11/97.  
Dismissed w/  
prejudice on the record -  
Appellant / Petitioner  
did not appear  
Order to be  
issued.*





Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

March 31, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, MD 21222

RE: Item No.: 376  
Case No.: 97-376-SPH  
Petitioner: Bobby Berger, et ux

Dear Mr. and Mrs. Berger:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on March 6, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

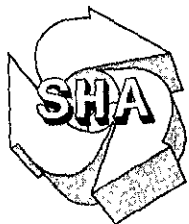
Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a circular stamp that contains the same name in a serif font.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)





**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

Ms. Roslyn Eubanks  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County 3-14-97  
Item No. 372 (DCM)

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*L. J. Gredlein*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: PDM  
FROM: R. Bruce Seeley .  
Permits and Development Review  
DEPRM  
SUBJECT: Zoning Advisory Committee  
Meeting Date: March 17, 97

DATE: 3/13/97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 368 373  
369 375  
372 (376)

RBS:sp

BRUCE2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management

DATE: March 12, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 342, 368, 369, 370, 372, 373, and 376

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Cam L. Kerns*

PK/JL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: March 24, 1997

FROM: *RWB* Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for March 24, 1997  
Item Nos. 370, 372, 373, 376 & Case No. CR-97-243

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE324.NOC

Case No. 97-376-SPH

SPH -To approve a shipping container (as an accessory structure) as a legal nonconforming use.

4/29/97 -Z.C.'s Order in which Petition for Special Hearing was DENIED.

---

9/26/97 -Notice of Assignment for hearing scheduled for Thursday, December 11, 1997 at 10:00 a.m. sent to following:

Mr. & Mrs. Bobby Berger  
Michael Kaminski /Builder  
Robert F. Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

---

12/11/97 -Board convened for hearing at 10:00 a.m. as scheduled; Protestants appeared; Petitioner did not appear, nor did his representative. At 10:20 a.m., a call was placed to Mr. Berger, who indicated that the container had been removed and he was not proceeding with the appeal; he thought it had been dismissed.

The Board reconvened and dismissed the matter on the record. Order of Dismissal to be issued. (K.C.W.)

App-97

#

44

FILE#: 97-376-SPH  
NAME: Berger, Bobby, et ux  
STREET: George Avenue, NE/c, & Beck Road (316 George Ave.)  
TYPE: SPH -shipping container as accessory structure  
DISTRICT: 15;7  
DATE APPEALED: 5/28/97  
HRG. DATE: 12/11/97  
ORDER DATE:  
DECISION: Note: T/C from neighbor 11/13/97-container remvd!  
CLOSED:  
UP:

CBA AWAITING REQUEST TO DISMISS. IF MR. BERGER/APPLANT  
SD CHOOSES. 11-13-97



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 3, 1997

Mr. Robert F. Hopkins  
310 George Avenue  
Essex, MD 21221

RE: Petition for Special  
Hearing  
NEC George Ave. & Beck Rd.  
(316 George Avenue)  
15th Election District  
7th Councilmanic District  
Bobby Berger, et ux -  
Petitioner  
Case No. 97-376-SPH

Dear Mr. Hopkins:

Please be advised that an appeal of the above-referenced case was filed in this office on May 28, 1997 by Michael Kaminski and Robert Berger. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

ARNOLD JABLON  
Director

AJ:rye

c: Mr. Howard Wimbley  
People's Counsel

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUN -5 AM 11:18



APPEAL

Petition for Special Hearing  
NEC George Avenue & Beck Road  
(316 George Avenue)  
15th Election District - 7th Councilmanic District  
Bobby Berger, et ux - Petitioners  
Case No. 97-376-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibit: 1 - Plat to Accompany Petition for Special  
Hearing

Letter from Bobby "Al Jolson" Berger to Baltimore County Department of  
Permits and Development Management dated February 26, 1997

Eight Elevation Drawings

Zoning Commissioner's Order dated April 29, 1997 (Denied)


Notice of Appeal received on May 28, 1997 from Michael Kaminski and  
Robert Berger

c: Mr. & Mrs. Bobby Berger, 1215 Ridgeshire Road, Baltimore, MD 21222  
Mr. Michael Kaminski, 527 S. 45th Street, Baltimore, MD 21224  
Mr. Robert F. Hopkins, 310 George Avenue, Essex, MD 21221  
Mr. Howard Wimbley, 314 George Avenue, Essex, MD 21221  
People's Counsel of Baltimore County, M.S. 2010  
Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director                      DATE: September 28, 1998  
Permits & Development Management

FROM: Charlotte E. Radcliffe   
County Board of Appeals

SUBJECT: Closed File:  
97-376-SPH /Bobby Berger, et ux

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated December 23, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-376-SPH)

Bobby "Al Jolson" Berger  
1215 Ridgeshire Road  
Baltimore, Maryland 21222

Baltimore County  
Department of Permits and  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

376  
97-376-SPH

February 26, 1997

To Whom It May Concern:

Re: 316 George Avenue  
Baltimore, MD 21221

The basis for this permit is to convert a storage trailer into a garage structure which will meet the Baltimore County Zoning and Inspection Building Codes.

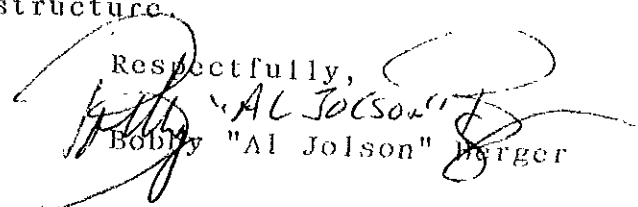
The 7'6" x 40" trailer will first be put on a footer base which will conform to Baltimore County specs. Then we will procede to frame the exterior walls 16" on center which will be connected to the trailer (consists of all four sides w/cut outs for front double doors). Next we will use pre-fab roof trusses, set 16" on center to form a standard low pitch "A" frame roof.

Our next process is to side the entire outside of the garage with 1/2" CDX plywood for a sturdy base. The roof will have standard shingles with air vents both in the front and rear of the structure. (There will be no use for insulation, or electric in our structure), (exterior walls will be T-11 sided and stained to match existing garage).

All of the standard walls will be framed on the inside of structure as well, so as not to see the original trailer structure. These 2 x 4 walls will be 24" on center and covered with 1/2" sheet rock. (This also will include the ceiling of said structure). We will then commence in removing the front doors and installing our own wooden garage hindged doors.

Approximate plans for said structure are enclosed with their step-by-step building plan. All aspects of said project will meet Baltimore County Building Codes. The once steel structure will be completely encased in a new structure.

Respectfully,

  
Bobby "Al Jolson" Berger

Attn

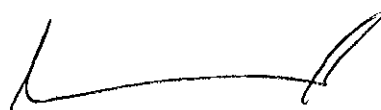
Zoning Com. Balto. Co.

May 28, 97

I Am requesting an appeal on  
the Special hearing concerning a  
Storage Trailer on 316. George Ave  
located in Balto. Co (Essex)

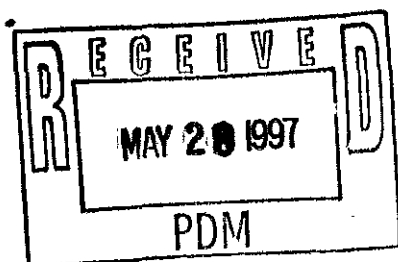
CASE no. 97- 376- SPH

Property 316 George Ave



Mr. Michael Karmunski

Robert Berger





# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

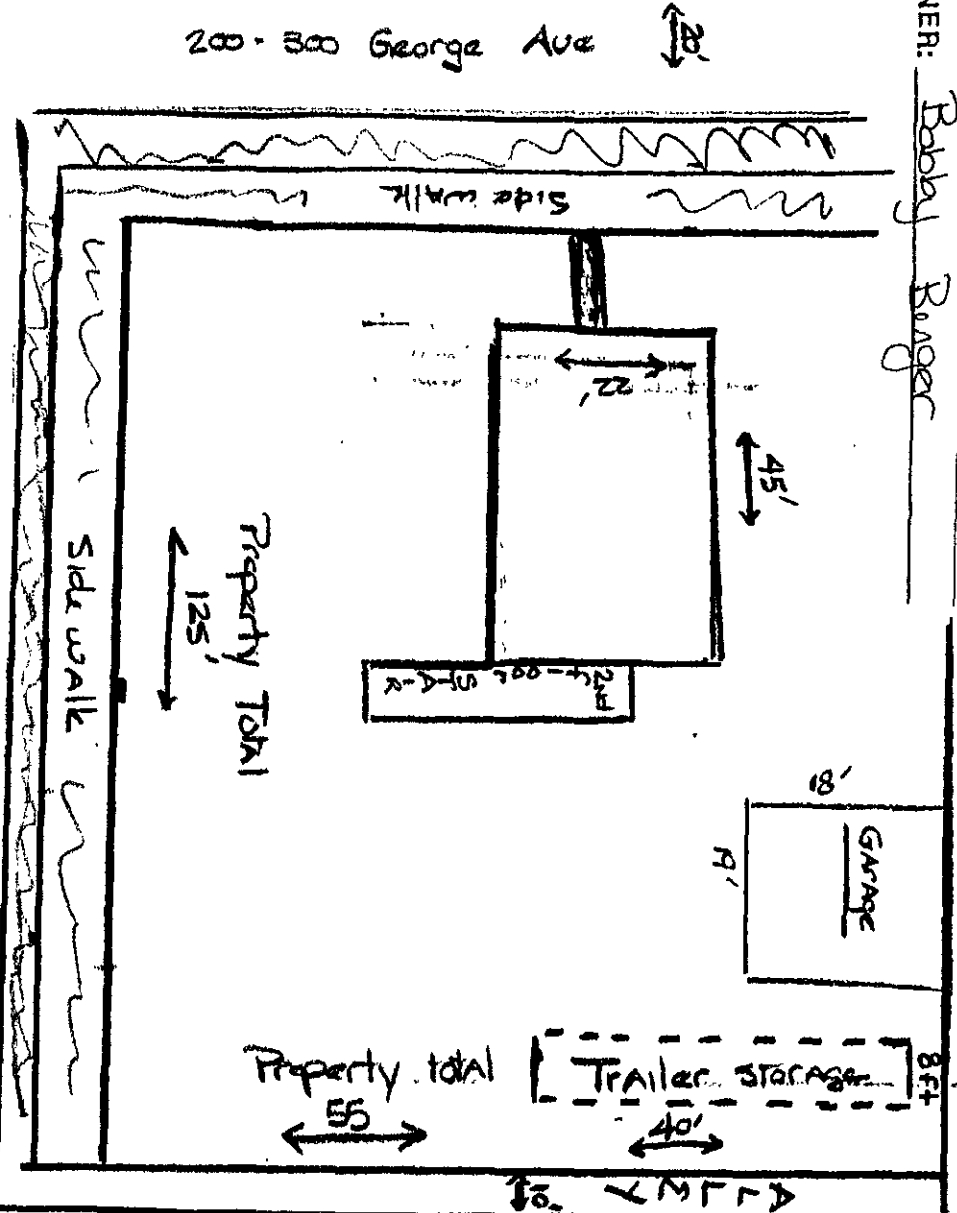
PROPERTY ADDRESS: 316 George Ave

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Essex

plat book # 3, folio # 15, lot # 19, section # A

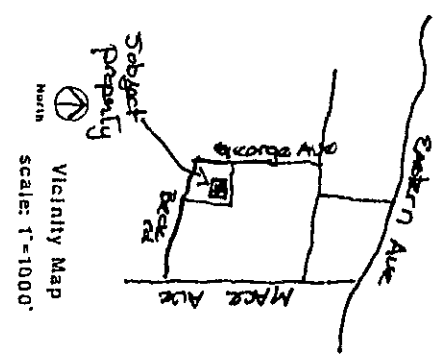
OWNER: Bobby Ringer



North  
date: 3-6-97  
prepared by: OWNER

Scale of Drawing: 1" = 20'  
**97-376-SPH**

Back rd 20'



## LOCATION INFORMATION

Election District: 15  
Councilmanic District: 7

1" = 200' scale map#: NE 2G

Zoning: DR 5.5  
Lot size: 1/4 acreage 6375 square feet

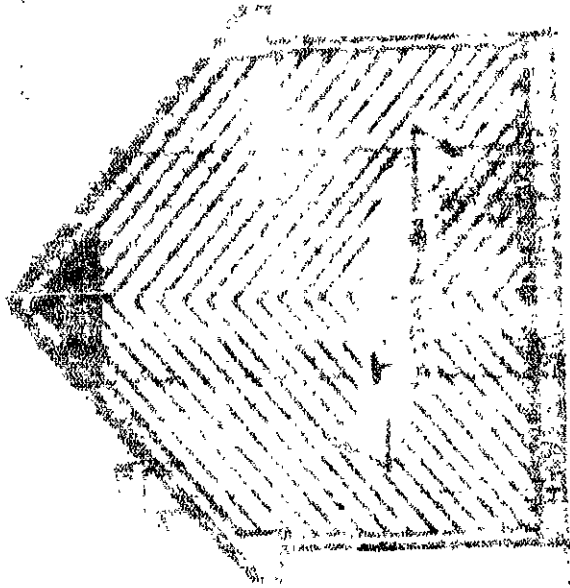
SEWER: ☒ public ☐ private  
WATER: ☒ yes ☐ no  
Chesapeake Bay Critical Area: ☐ yes ☒ no  
Prior Zoning Hearings: ☐ ☒

## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

SWA 376

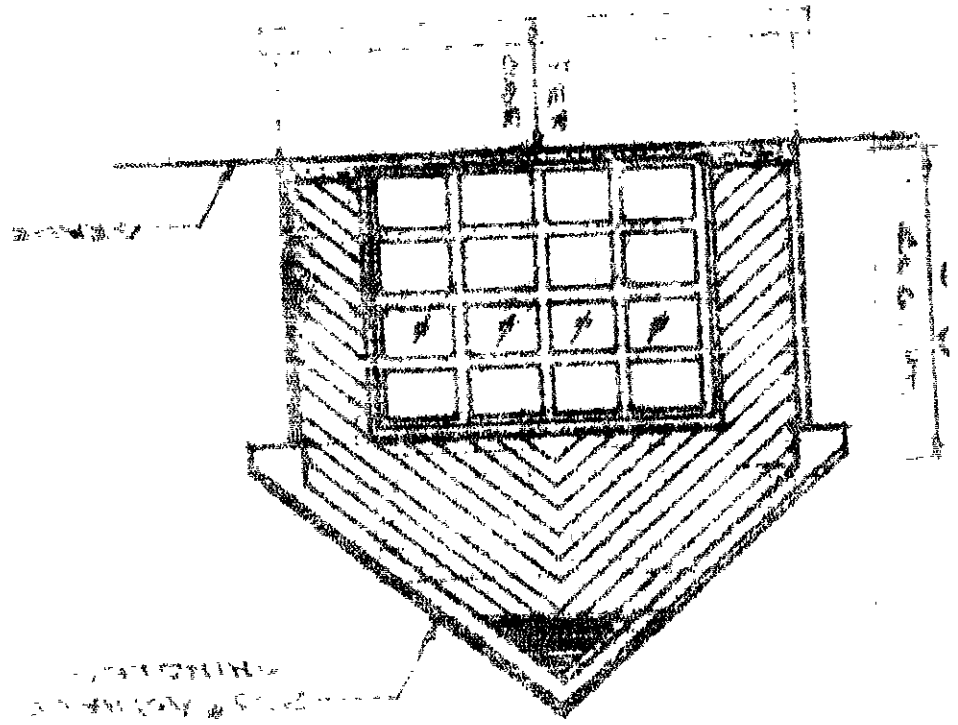
Petitioner's Exhibit 1

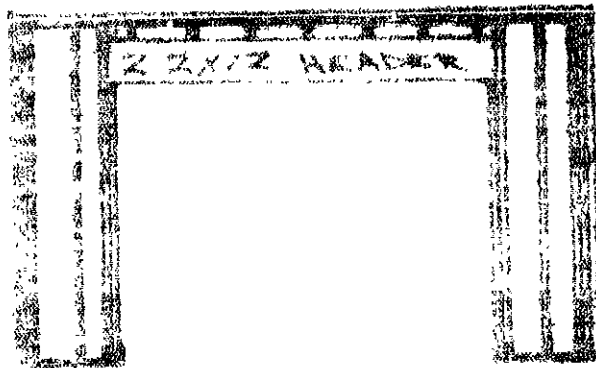


97.32 C.SPH

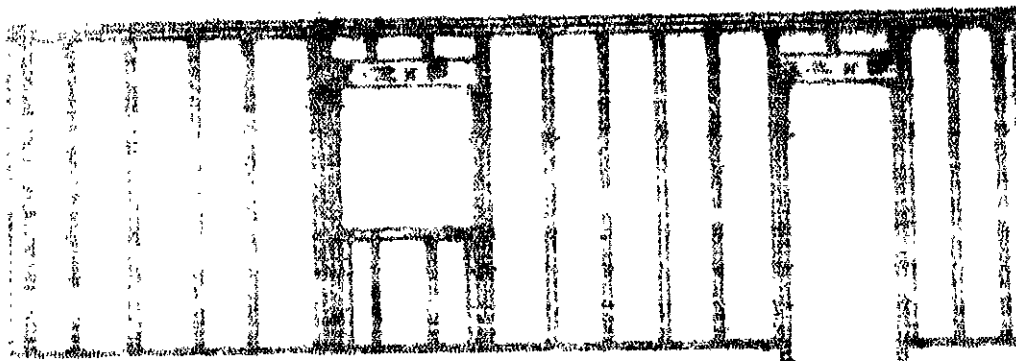
97-376-  
SPH  
HDS

FRONT ELEVATION





FRONT FRAMING PLAN

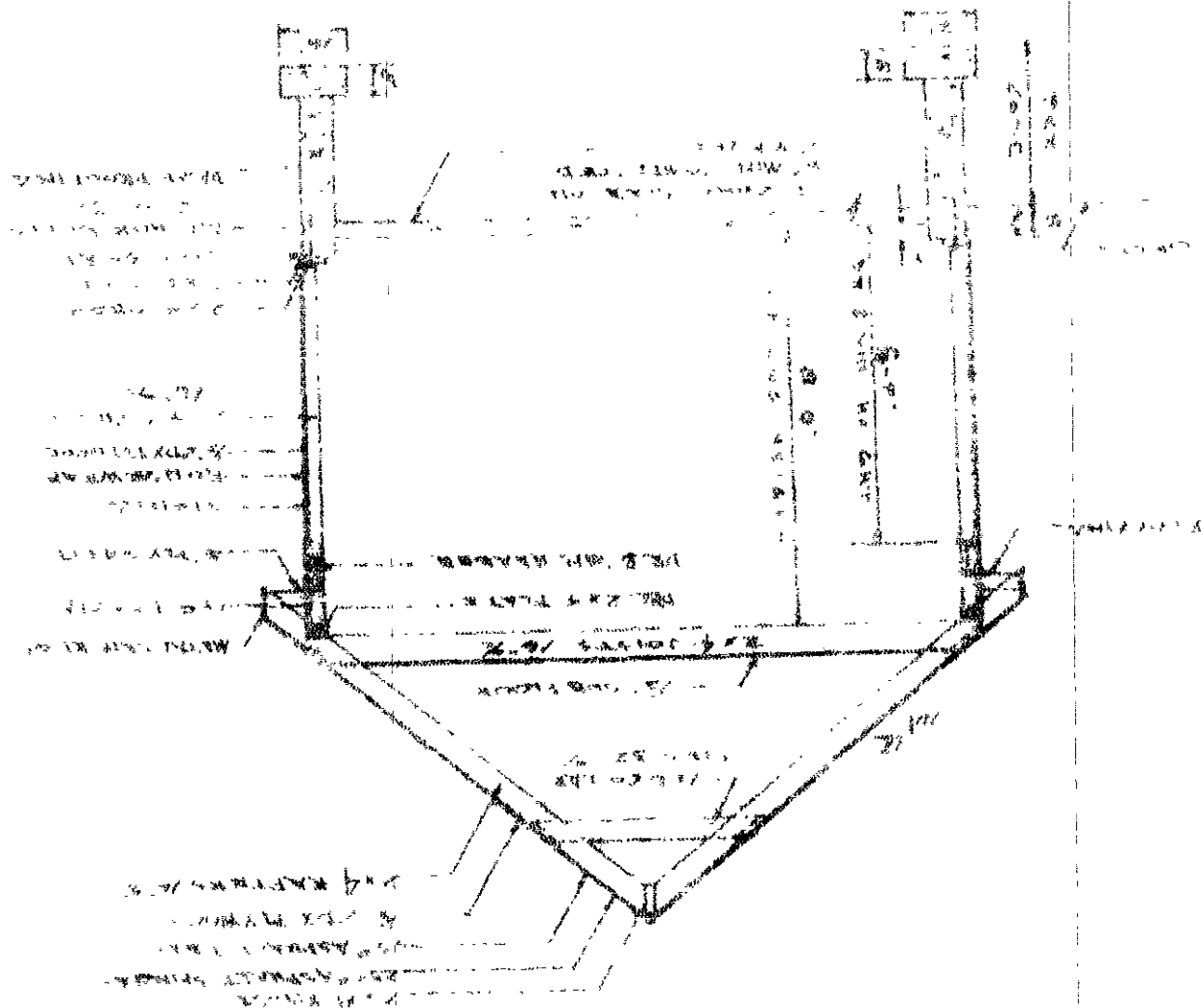


97-376.SPH

SIDE FRAMING PLAN

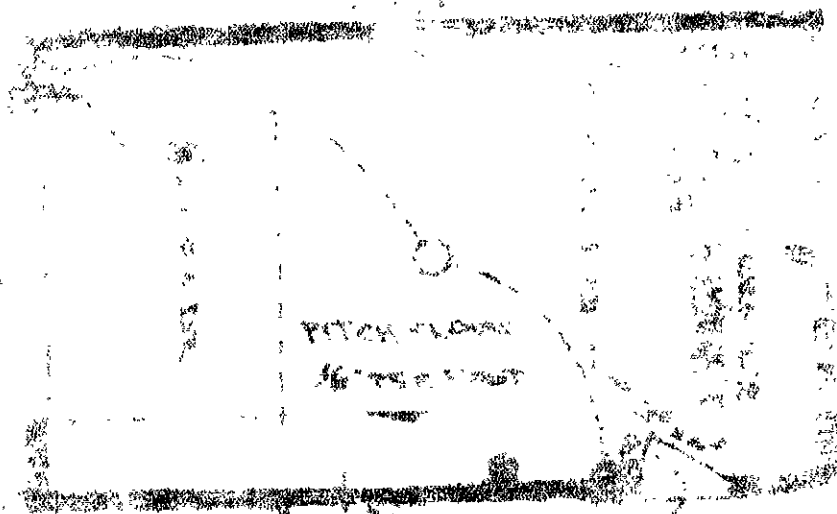
ROUGH OPENING  
BY MANUFACTURER

NOTES



97.376.5PH

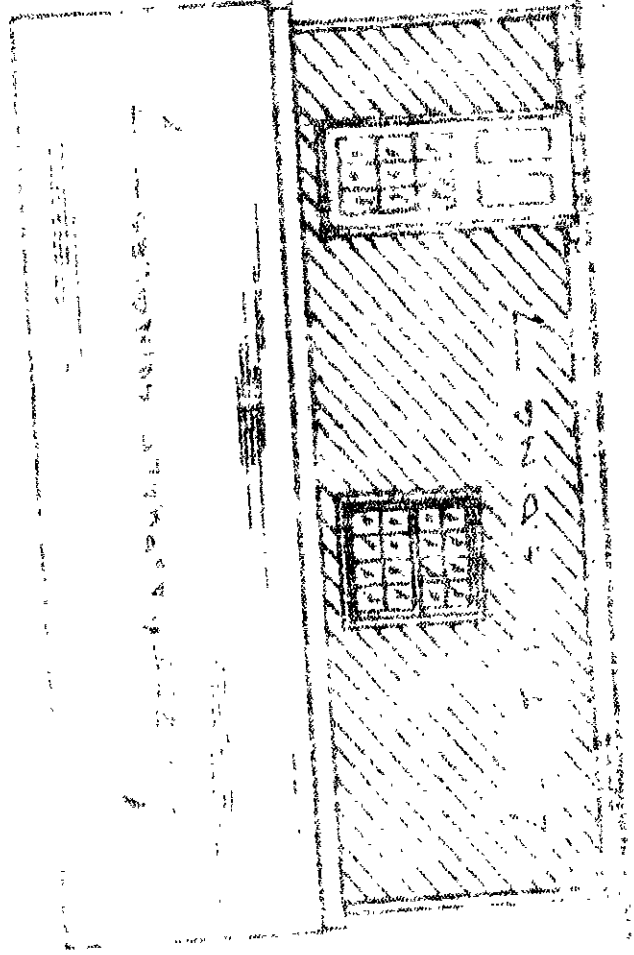
90



1000

97-376-SPH



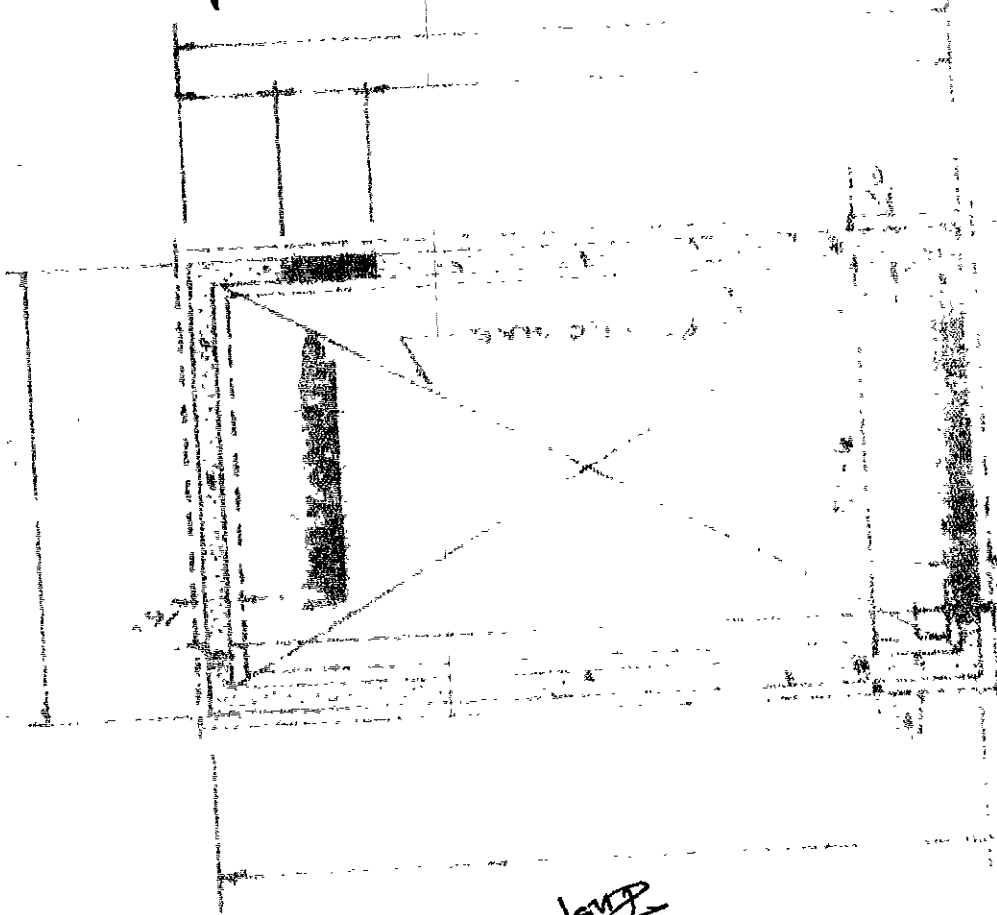


97-376  
3 PH

FIG. 1. ELEVATION



97-376-SPH



Thompson, Insp.

Jim Thompson  
987-3352

Spec. Hearing  
to Approve  
to Criminalize  
Supplying  
Accus. Stud.  
from a  
contamin.

# Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

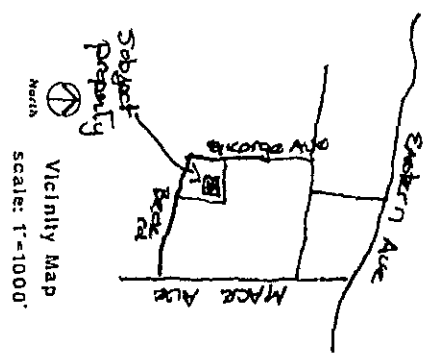
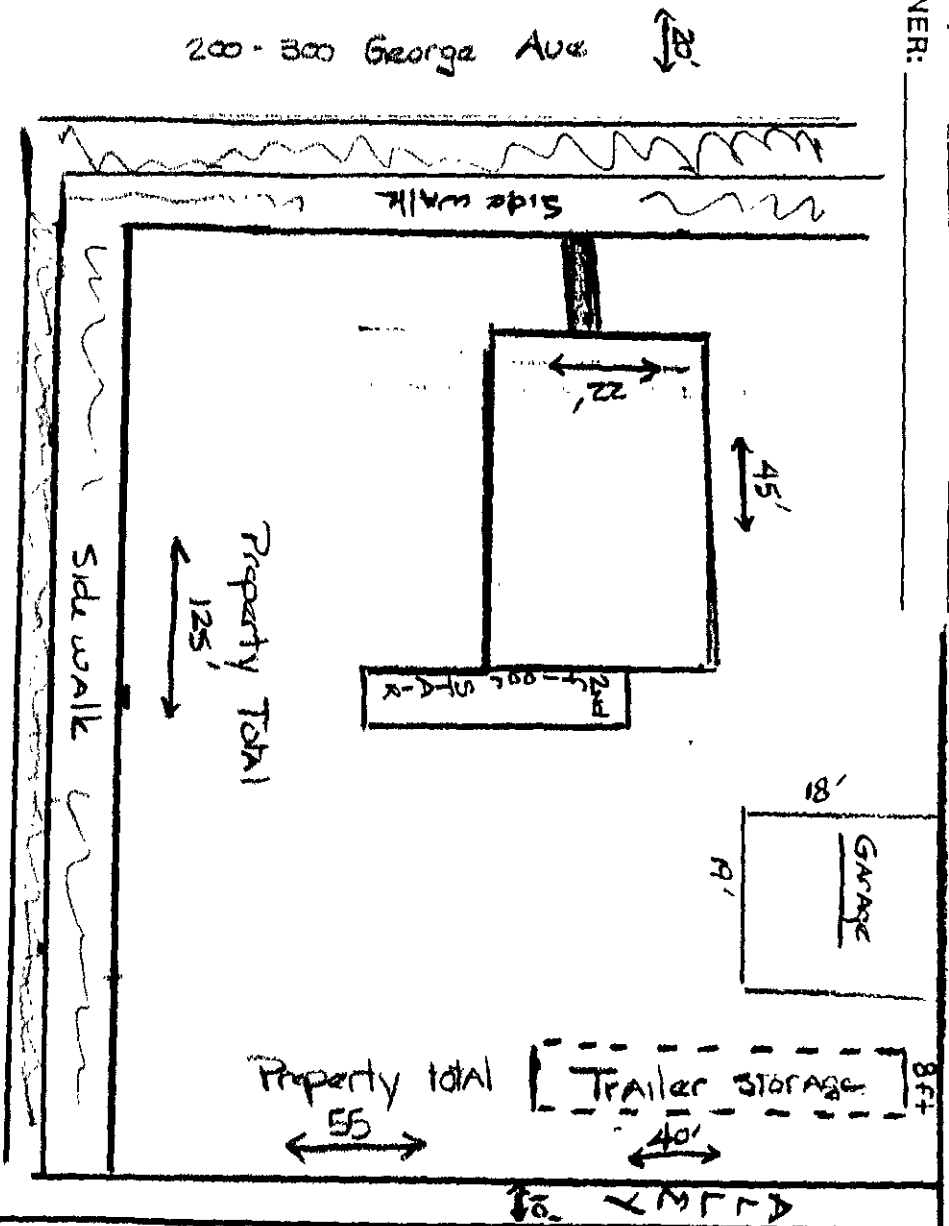
PROPERTY ADDRESS: 316 Georgia Ave

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: \_\_\_\_\_

plat book# \_\_\_\_\_, folio# \_\_\_\_\_, lot# \_\_\_\_\_, section# \_\_\_\_\_

OWNER: \_\_\_\_\_



## LOCATION INFORMATION

Election District:

Councilmanic District:

1"=200' scale map#:

Zoning:

Lot size: 1/4 acreage 6875 square feet

SEWER: ☒ public ☐ private  
WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: ☐ yes ☒ no

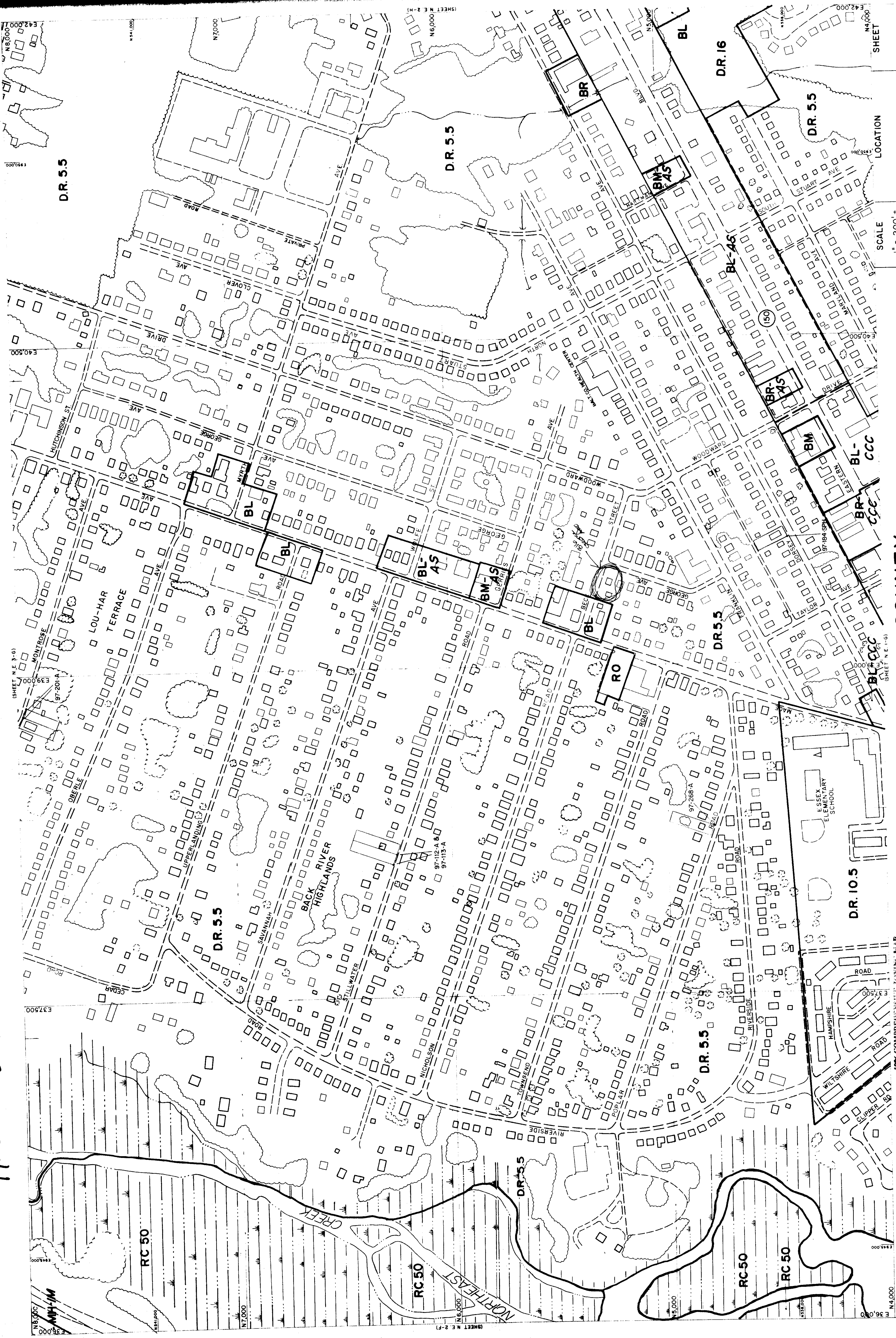
## Zoning Office USE ONLY!

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ CASE#: \_\_\_\_\_

North  
date: 3-6-97  
prepared by: CHOC  
Scale of Drawing: 1"= 20'



97-376-SPH



**BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP**

NE  
2-G

ESSEX

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

SCALE  
1" = 200' ±

LOCATION

1986 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY BOARD

ON MAY 12, 1986

FILE NO. 228-66

BY

PLANNING

THIS MAP HAS BEEN REVISED IN SELECTED AREAS  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210



IN THE MATTER OF  
THE APPLICATION OF  
BOBBY BERGER, ET UX  
FOR SPECIAL HEARING ON  
PROPERTY LOCATED ON THE NORTH-  
EAST CORNER GEORGE AVENUE AND  
BECK ROAD (316 GEORGE AVENUE)  
15TH ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 97-376-SPH

ORDER OF DISMISSAL

This case comes to the Board of Appeals based on an appeal filed on May 22, 1997 by Appellants /Petitioners, based on a decision by the Zoning Commissioner of Baltimore County in which a Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, was denied.

This case was scheduled for public hearing on Thursday, December 11, 1997 at 10:00 a.m., due notice having been given to all interested parties. The Board convened at 10:00 a.m. with the following Protestants in attendance: Mr. Howard Wimbley, Mr. Robert F. Hopkins, and Mrs. JoAnn Hopkins.

None of the Appellants, neither Michael Kaminski nor Bobby Berger, was present. At 10:20 a.m., a telephone call was placed by the Board's Administrator to Mr. Berger, who indicated that the shipping container had been removed, as directed in the Zoning Commissioner's Order of April 29, 1997; and that the appeal could be dismissed.

The Board reconvened and, on the record, dismissed the appeal, with prejudice.

Case No. 97-376-SPH Bobby Berger, et ux -Petitioners

ORDER

IT IS THEREFORE, this 22nd day of December, 1997 by the County Board of Appeals of Baltimore County  
ORDERED that said appeal be and the same is hereby DISMISSED, with prejudice.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Kristine R. Howanski, Chairman  
Charles L. Marks  
Margaret Worrell



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

December 22, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, MD 21222

RE: Case No. 97-376-SPH  
Bobby Berger, et ux -Petitioners

Dear Mr. and Mrs. Berger:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for  
Kathleen C. Bianco  
Administrator

encl.

cc: Michael Kaminski  
Robert and Joanne Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 29, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, Maryland 21222

RE: Petition for Special Hearing  
Case No. 97-376-SPH  
Property: 316 George Avenue

Dear Mr. and Mrs. Berger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

cc: Mr. Michael Kaminski  
527 S. 45th Street  
Baltimore, Maryland 21224

cc: Mr. Robert F. Hopkins  
310 George Avenue  
Essex, Md. 21221

cc: Mr. Howard Wimbley  
314 George Avenue  
Essex, Maryland 21221

Roslin  
175  
36

Printed with Soybean Ink  
on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING  
NEC George Avenue & Beck Road

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-376-SPH  
\* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 316 George Avenue in Essex. The Petition is filed by Bobby Berger and Linda Berger, his wife, property owners. Special Hearing relief is requested to approve the use of a shipping container (as an accessory structure) as a legal nonconforming use. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Neither property owner/Petitioner appeared at the public hearing. Rather, appearing at the hearing on their behalf was Michael Kaminski who identified himself as employed in the construction industry. Two neighbors from the surrounding locale appeared in opposition to the request; namely, Robert F. Hopkins and Howard Wimbley. Neither side was represented by counsel.

Testimony and evidence offered was that the subject property is approximately 1/4 acre in area, zoned D.R.5.5. The property is located adjacent to the intersection of Beck Road and George Avenue, not far from Eastern Avenue in Essex. Apparently, the property is unkempt and is in a state of disrepair. It has been an eyesore to the community and is the subject of an active zoning violation case, the disposition of which is pending the resolution of this matter.

RE: PETITION FOR SPECIAL HEARING  
316 George Avenue, NEC George Ave and Beck Rd  
15th Election District, 7th Councilmanic

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-376-SPH

Legal Owner(s): Bobby and Linda Berger  
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael Kaminski, 527 S. 45th Street, Baltimore, MD 21224, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By [Signature]

time. Clearly, it has not existed on the site prior to the time the zoning regulations/policy which prohibit the storage of trailers on residential properties were adopted.

In this regard, page 4-1.5 of the Zoning Commissioner's Policy Manual regulates trailers, shipping containers, truck bodies and similar vehicles. That section of the Manual indicates that such vehicles are not permitted on residential properties as principal or accessory structures. Thus, clearly, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April 1997 that, pursuant to the Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, be and is hereby DENIED, and subject to the following:

1. The property owners/Petitioners must remove the subject trailer within 30 days from the date of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES:mmn

Mr. Kaminski indicated that the subject property is improved with a two apartment building, which is presently unoccupied. The site plan indicates that the building is 22 ft. in width and 45 ft. in depth. The property also contains an 18 x 19 ft. detached garage. The subject of the hearing is a tractor trailer type container which was moved onto the property several months ago. Mr. Kaminski indicated that the container was needed for storage purposes; in that the garage is deteriorating and unusable. He indicated that the property owners have plans to build a structure around the trailer, thereby masking its appearance, however, no formal building plans were submitted at the hearing.

The Protestants are suspicious of the property owners' intentions. Mr. Hopkins and Mr. Wimbley indicated that the property has been an eyesore for the community for some time. They testified that the trailer recently appeared on the site and indicated that they were concerned that the property would further deteriorate. They also oppose the location of the trailer on the site, believing that same gives this residential neighborhood an industrial/commercial appearance.

It is difficult to understand why the property owners have filed the request which is before me. As noted above, that Petition asks that the container be approved as a legal nonconforming use. However, no evidence was offered to support that claim.

Nonconforming uses are defined in Section 104 of the Baltimore County Zoning Regulations (BCZR). Essentially, a nonconforming use is a use of property which is illegal under the zoning regulations but may be made legitimate if same predates the date of the adoption of the regulation which prohibits the use. The nonconforming use designation is used to "grandfather" an otherwise existing use.

Clearly, this use is not nonconforming. Uncontradicted testimony offered was that the trailer has been on the property but for a short





BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management  
DATE: March 12, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 342, 368, 369, 370, 372, 373, and 376

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kenna*

PK/JL

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
Date: March 24, 1997

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for March 24, 1997  
Item Nos. 370, 372, 373, 376 & Case No. CR-97-243

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE324.NOC

Case No. 97-376-SPH SPH -To approve a shipping container (as an accessory structure) as a legal nonconforming use.

4/29/97 -Z.C.'s Order in which Petition for Special Hearing was DENIED.

9/26/97 -Notice of Assignment for hearing scheduled for Thursday, December 11, 1997 at 10:00 a.m. sent to following:

Mr. & Mrs. Bobby Berger  
Michael Kaminski /Builder  
Robert F. Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

12/11/97 -Board convened for hearing at 10:00 a.m. as scheduled; Protestants appeared; Petitioner did not appear, nor did his representative. At 10:20 a.m., a call was placed to Mr. Berger, who indicated that the container had been removed and he was not proceeding with the appeal; he thought it had been dismissed.

The Board reconvened and dismissed the matter on the record. Order of Dismissal to be issued. (K.C.W.)

FILE#:	97-376-SPH	APP-97 # 44
NAME:	Berger, Bobby, et ux	
STREET:	George Avenue, NE/c, & Beck Road (316 George Ave.)	
TYPE:	SPH -shipping container as accessory structure	
DISTRICT:	15.7	
DATE APPEALED:	5/28/97	
HRG. DATE:	12/11/97	
ORDER DATE:		
DECISION:	Note: T/C from neighbor 11/13/97-container removed	
CLOSED:		
UP:		

CEA AWAITING REQUEST TO DISMISS. IF MR. BERGER/APPEALS  
50 CHANCES. 11-15-97

ITEM342/PZONE/2AC1



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 3, 1997

Mr. Robert F. Hopkins  
310 George Avenue  
Essex, MD 21221

RE: Petition for Special  
Hearing  
NEC George Ave. & Beck Rd.  
(316 George Avenue)  
15th Election District  
7th Councilmanic District  
Bobby Berger, et ux -  
Petitioner  
Case No. 97-376-SPH

Dear Mr. Hopkins:

Please be advised that an appeal of the above-referenced case was filed in this office on May 28, 1997 by Michael Kaminski and Robert Berger. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

*Arnold Jablon*

ARNOLD JABLON  
Director

AJ:rye

c: Mr. Howard Wimbley  
People's Counsel

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUN -5 AM 11:18

APPEAL

Petition for Special Hearing  
NEC George Avenue & Beck Road  
(316 George Avenue)  
15th Election District - 7th Councilmanic District  
Bobby Berger, et ux - Petitioners  
Case No. 97-376-SPH

Petition for Special Hearing

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Advisory Committee Comments

Petitioners' Exhibit: 1 - Plat to Accompany Petition for Special Hearing

Letter from Bobby "Al Jolson" Berger to Baltimore County Department of Permits and Development Management dated February 26, 1997

Eight Elevation Drawings

Zoning Commissioner's Order dated April 29, 1997 (Denied)

Notice of Appeal received on May 28, 1997 from Michael Kaminski and Robert Berger

c: Mr. & Mrs. Bobby Berger, 1215 Ridgeshire Road, Baltimore, MD 21222  
Mr. Michael Kaminski, 527 S. 45th Street, Baltimore, MD 21224  
Mr. Robert F. Hopkins, 310 George Avenue, Essex, MD 21221  
Mr. Howard Wimbley, 314 George Avenue, Essex, MD 21221  
People's Counsel of Baltimore County, M.S. 2010  
Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits & Development Management  
DATE: September 28, 1998

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File:  
97-376-SPH /Bobby Berger, et ux

As no further appeals have been taken in the above captioned case, which was dismissed by Order dated December 23, 1997, we are hereby closing the file and returning same to you herewith.

Attachment (Case File No. 97-376-SPH)

Bobby "Al Jolson" Berger  
1215 Ridgeshire Road  
Baltimore, Maryland 21222

Baltimore County  
Department of Permits and  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

February 26, 1997

To Whom It May Concern: Re: 316 George Avenue  
Baltimore, MD 21221

The basis for this permit is to convert a storage trailer into a garage structure which will meet the Baltimore County Zoning and Inspection Building Codes.

The 7'6" x 40" trailer will first be put on a footer base which will conform to Baltimore County specs. Then we will proceed to frame the exterior walls 16" on center which will be connected to the trailer (consists of all four sides w/cut outs for front double doors). Next we will use pre-fab roof trusses, set 16" on center to form a standard low pitch "A" frame roof.

Our next process is to side the entire outside of the garage with 1/2" CDX plywood for a sturdy base. The roof will have standard shingles with air vents both in the front and rear of the structure. (There will be no use for insulation, or electric in our structure), (exterior walls will be T-11 sided and stained to match existing garage).

All of the standard walls will be framed on the inside of structure as well, so as not to see the original trailer structure. These 2 x 4 walls will be 24" on center and covered with 1/2" sheet rock. (This also will include the ceiling of said structure). We will then commence in removing the front doors and installing our own wooden garage hinged doors.

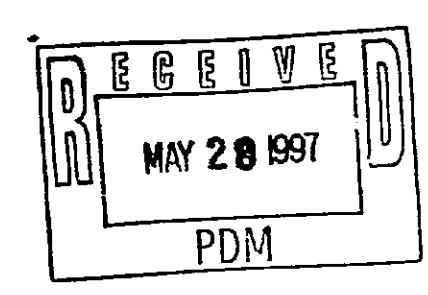
Approximate plans for said structure are enclosed with their step-by-step building plan. All aspects of said project will meet Baltimore County Building Codes. The once steel structure will be completely encased in a new structure.

Respectfully,  
*Bobby "Al Jolson" Berger*  
Bobby "Al Jolson" Berger

Attn  
Zoning Com. Balto. Co. May 28, 97  
I Am requesting an appeal on  
the special hearing concerning a  
steep grade on 316 George Ave  
located in Balto. Co (Essex)

Case no. 97-376-SPH  
Property 316 George Ave

Mr. Michael Kaminski  
Plot Bigger  
Plot Bigger



Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

PROPERTY ADDRESS: 316 George Ave

Subdivision name: Essex  
Plot book: 3, lot 15, lot 19, section A  
OWNER: Bobby Binger

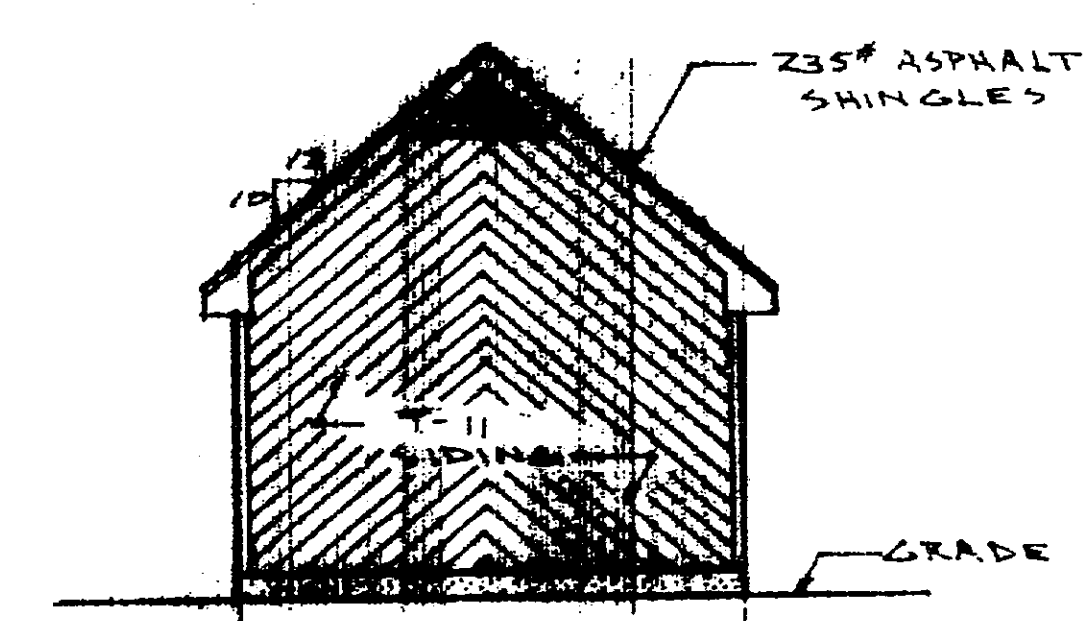
LOCATION INFORMATION  
Election District: 15  
Councilmanic District: 7  
1"=200' scale map: NE 29  
Zoning: DR 5.5  
Lot size: 1/4 acre 6875 square feet  
Sewer: ☒  
Water: ☒  
Chesapeake Bay Critical Area: ☒  
Prior Zoning Hearings: 0

North  
date: 2-6-97  
prepared by: owner

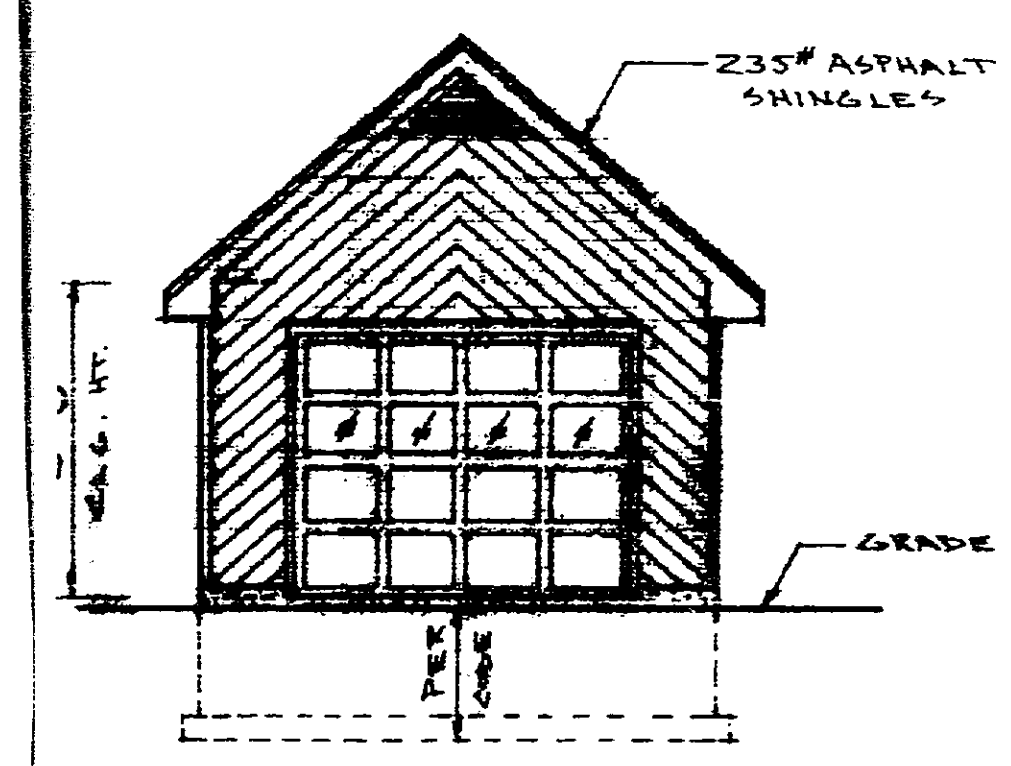
97-376-SPH  
Scale of Drawing: 1"=20'

Zoning Office USE ONLY!  
reviewed by: ITEM #1 CASE #:

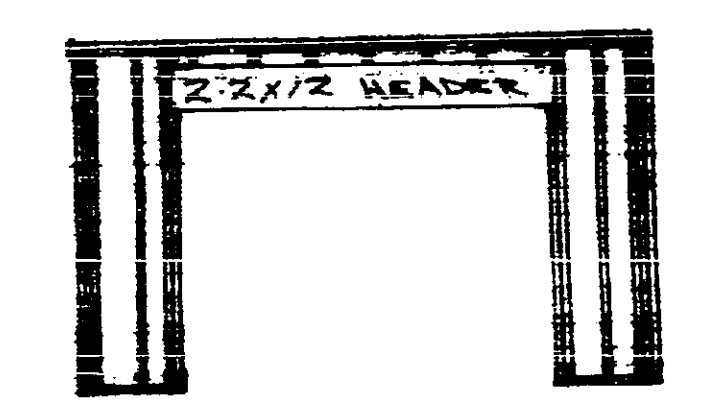
Petitioner's Exhibit 1



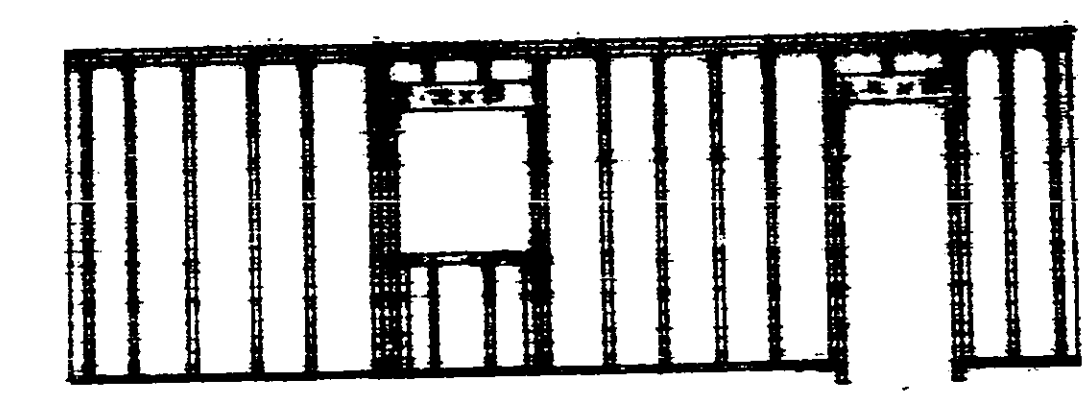
REAR ELEVATION 97-376-SPH



FRONT ELEVATION 97-376-SPH

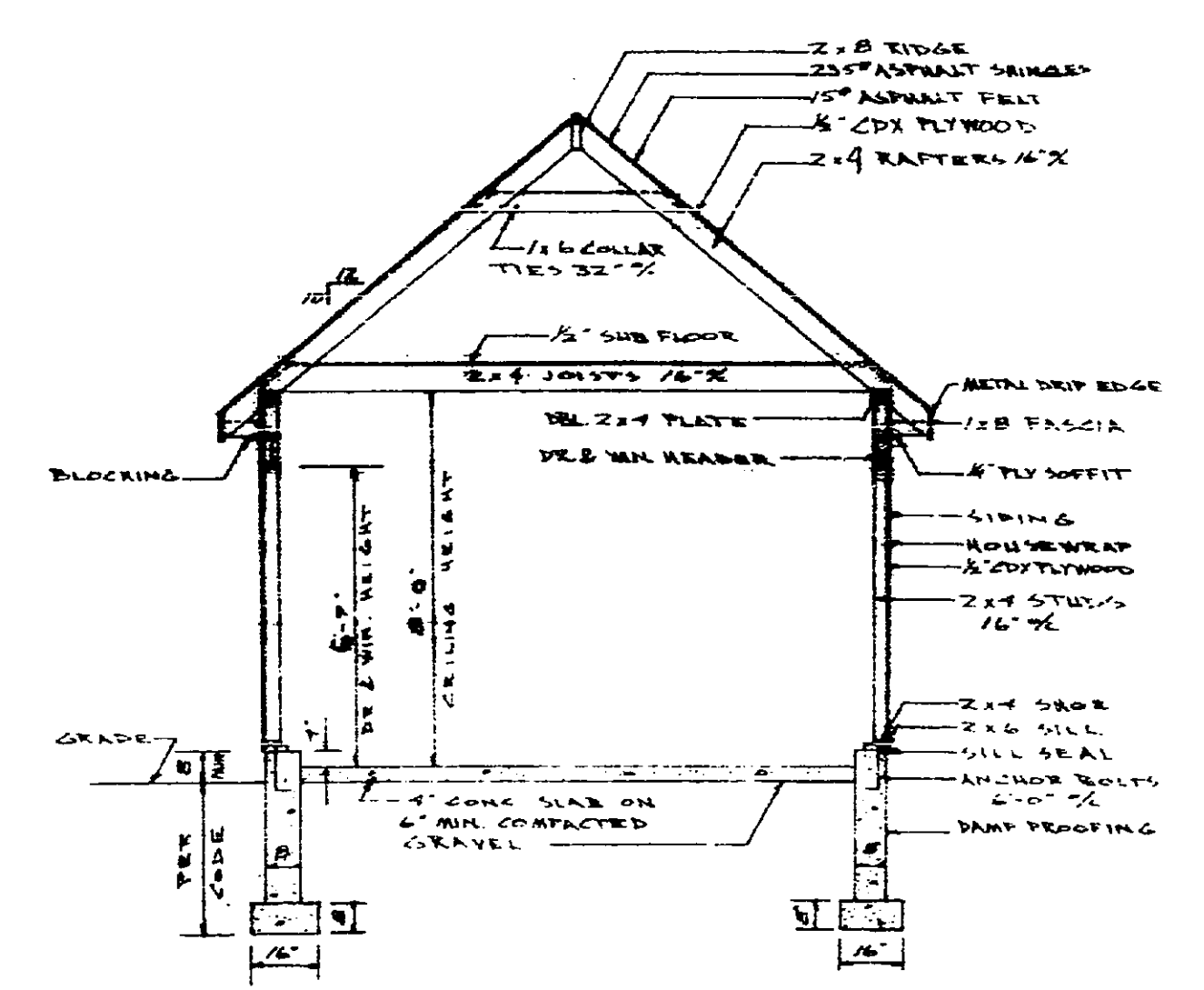


FRONT FRAMING PLAN

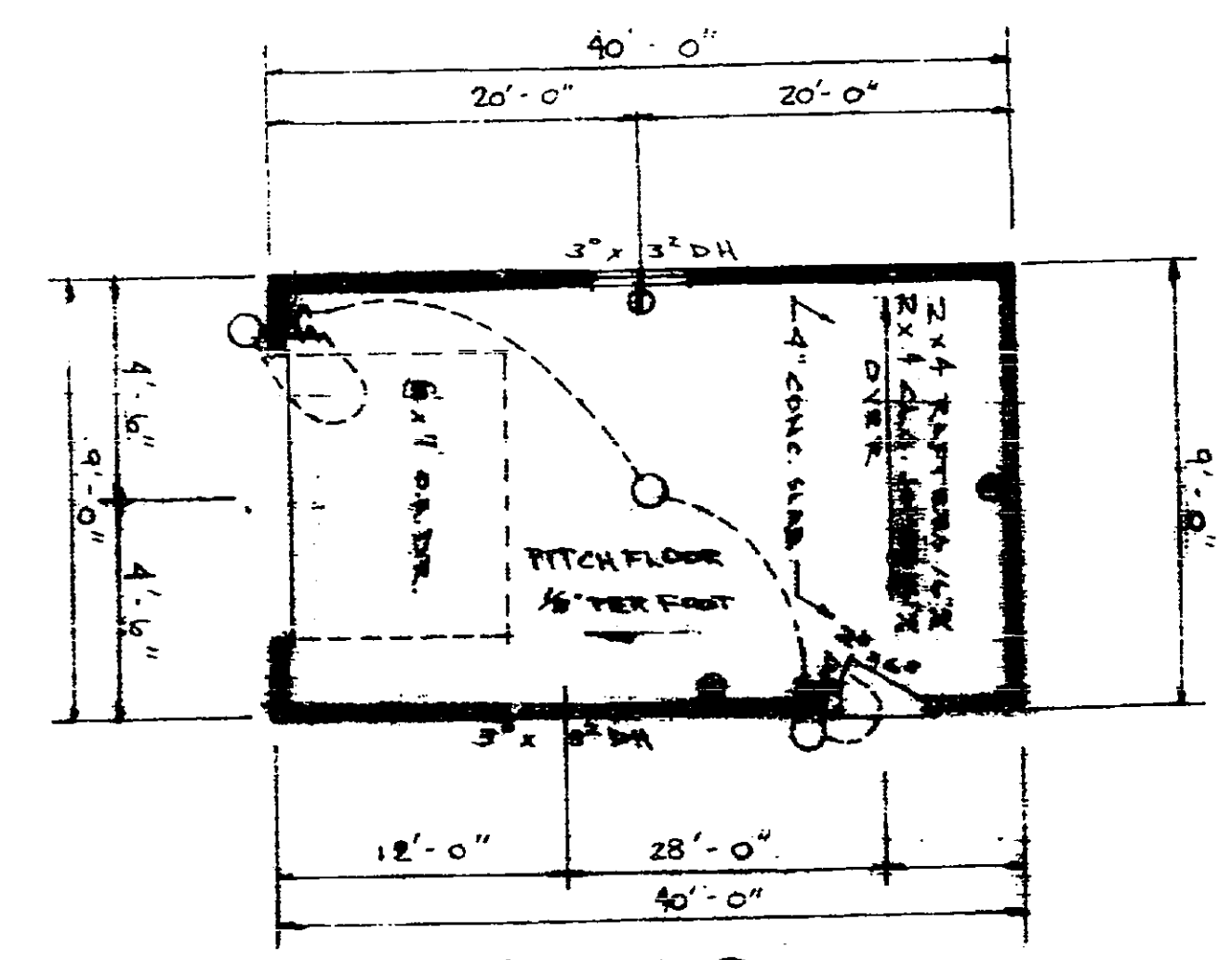


RIGHT FRAMING PLAN

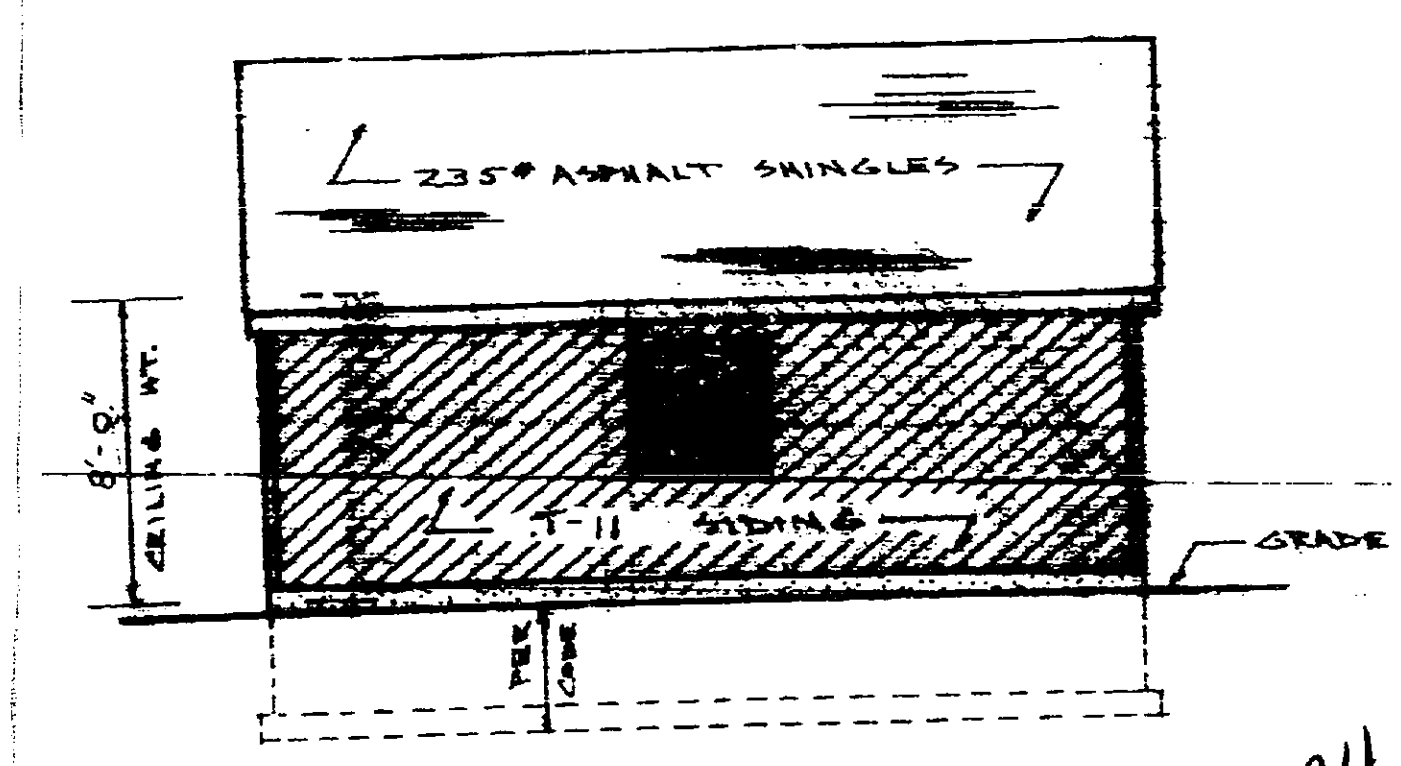
NOTE:  
ROUGH OPENINGS  
BY MANUFACTURER



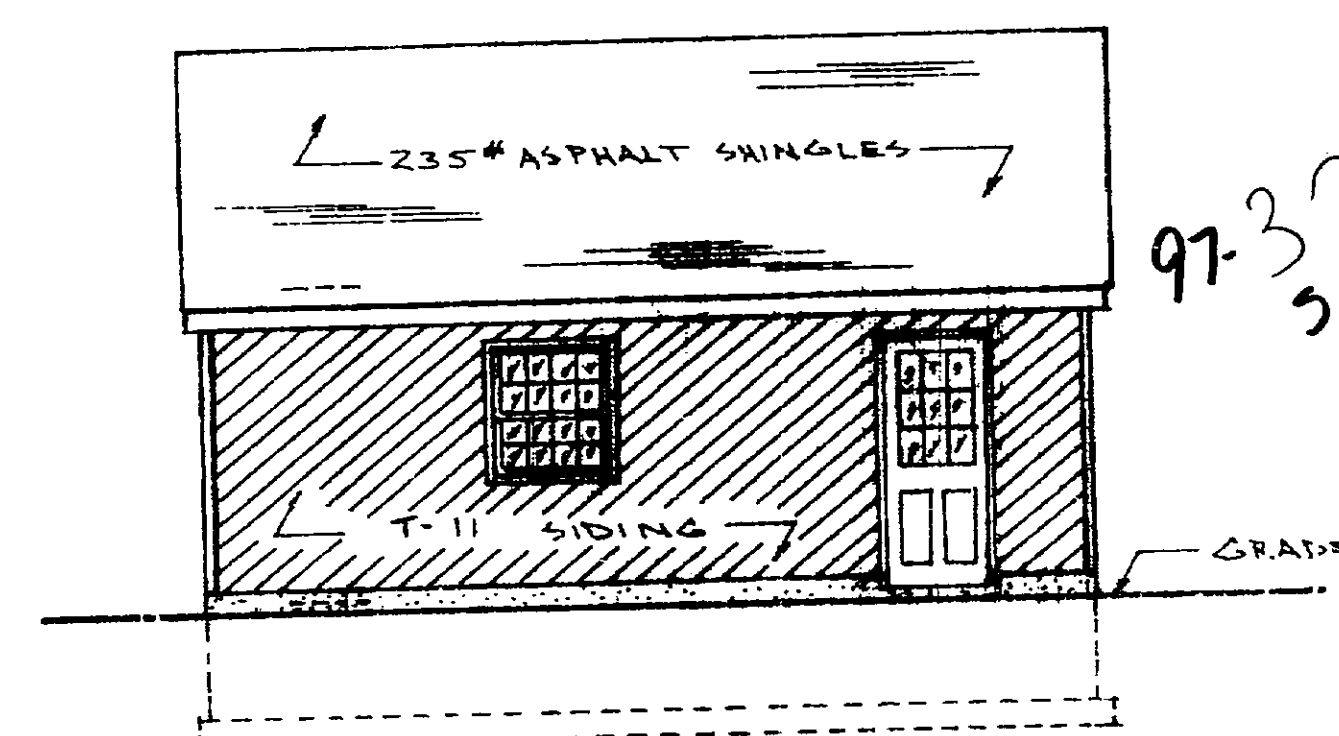
CROSS SECTION



FLOOR PLAN 97-376-SPH



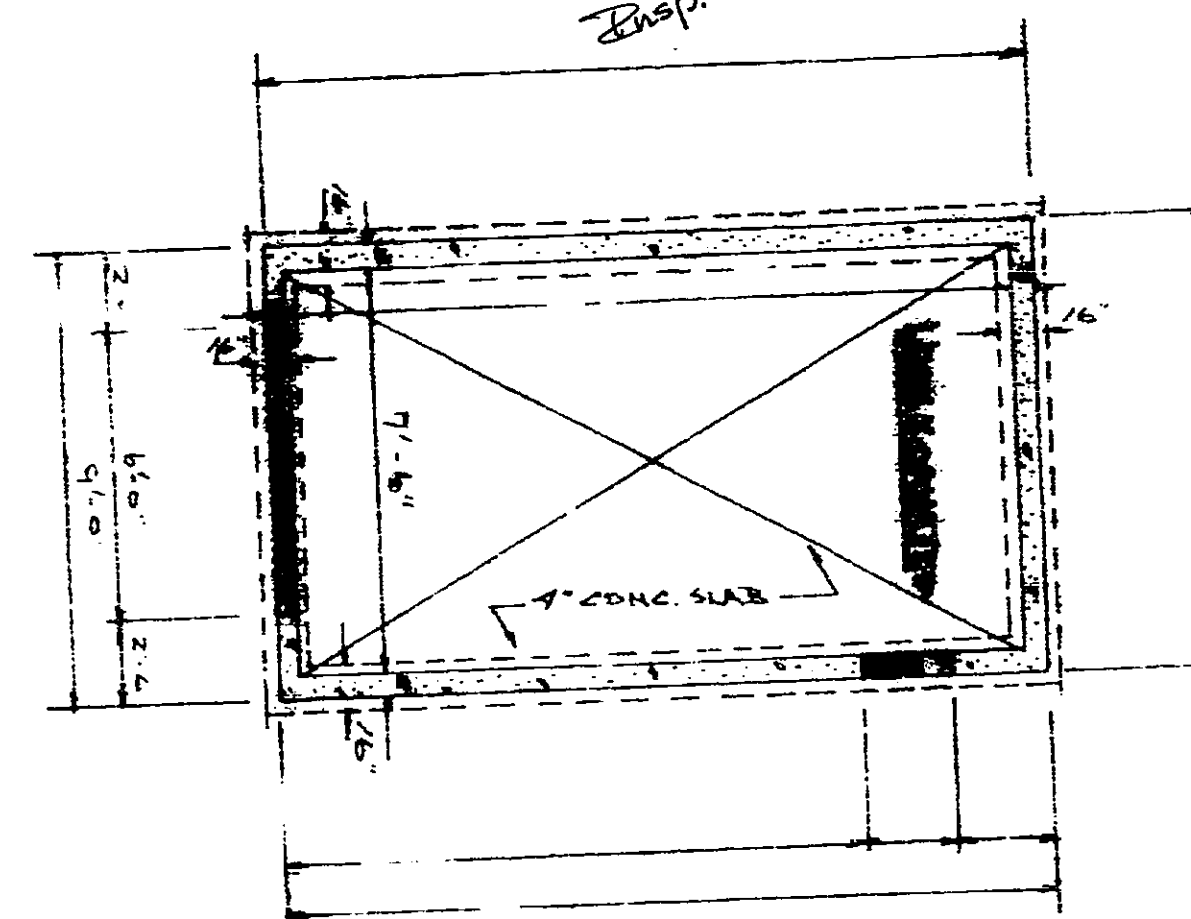
LEFT ELEVATION 97-376-SPH



**RIGHT ELEVATION**

97-376  
SPH

**FOUNDATION PLAN**



97-376-SPH



97-376-SPH

RC 50

DR 5.5

BL 45

BR 45

BR 125

BR CCC

BL CCC

D.R. 10.5

D.R. 16

D.R. 5.5

NORSE CREEK

ESSEX ELEMENTARY SCHOOL

SCALE 1" = 200'

LOCATION

SHEET

**1996 COMPREHENSIVE ZONING MAP**  
ADOPTED by  
**THE BALTIMORE COUNTY COUNCIL**  
OCTOBER 18, 1996  
Bills Nos. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Karin Kavanagh  
Chickadee, Cherry, Canada

BALTIMORE COUNTY  
 OFFICE OF PLANNING AND ZONING  
 OFFICIAL ZONING MAP

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# **Petition for Special Hearing** **to the Zoning Commissioner of Baltimore County**

for the property located at 316 George Ave  
 which is presently zoned DR SS

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
 The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE USE OF A SHIPPING CONTAINER (FOR USE AS AN ACCESSORY STRUCTURE) AS A LEGAL NON-CONFORMING USE.

Property is to be posted and advertised as prescribed by Zoning Regulations.  
 I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode  
 Attorney for Petitioner:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode  
 Legal Owner(s):  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode  
 1215 Ridge Shire Rd (410) 282-7020  
 Balto. MD 21222  
 Michael Kaminski  
 527 S. 45th St (410) 282-4634  
 Balto. MD 21222

ESTIMATED LENGTH OF HEARING  
 the following date: \_\_\_\_\_ Hear Two Months  
 ALL OTHER  
 REVIEWED BY: gum DATE: 3-6-97  
376

## **CERTIFICATE OF POSTING**

RE: Case # 97-376-A  
 Petitioner/Developer:  
 (Bobby Berger)  
 Date of Hearing/Closing:  
 (April 7, 1997)

Baltimore County Department of  
 Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

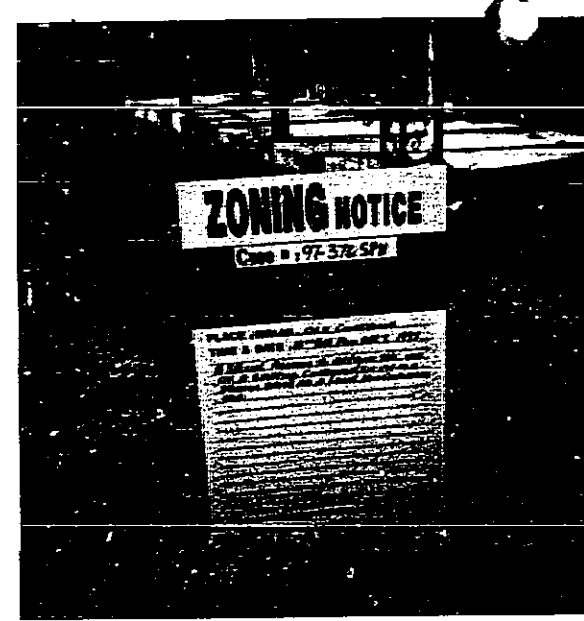
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at  
316 George Ave. Baltimore, Maryland 21221

The sign(s) were posted on March 21, 1997  
 (Month, Day, Year)

Sincerely,  
Thomas P. Ogilvie, Sr.  
 (Signature of Sign Poster and Date)

Thomas P. Ogilvie, Sr.  
 (Printed Name)  
 325 Nicholson Road  
 (Address)  
 Baltimore, Maryland 21221  
 (410) 687-8485  
 (Telephone Number)



97-376-SPH

ZONING DESCRIPTION FOR 316 George Ave  
 (address)  
 Beginning at a point on the West side of  
 (north, south, east or west)  
George Ave which is 28' Ft  
 name of street property fronts/number of feet of right of way width  
 wide at the distance of 275 Ft North of the  
 (number of feet) (north, south, east, west)  
 centerline of the nearest improved intersecting street Mace Ave  
 (name of street)  
 which is 36' Ft wide. \*Being Lot # 19  
 (number of feet of right-of-way width)  
 Block --- Section --- in the subdivision of ESSEX  
 (name of subdivision)  
 as recorded in Baltimore County Plat Book # 3, Folio # 15,  
 containing 6710 Sq. Ft. Also known as 316 George Ave  
 (square feet or acres) (property address)  
 and located in the 15 Election District, 7 Councilmatic  
 District.

## **CERTIFICATE OF POSTING**

RE: Case No.: 97-376 SPH  
 Petitioner/Developer:  
BOBBY BERGER  
 Date of Hearing/Closing:

Baltimore County Department of  
 Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 316 GEORGE AVE

The sign(s) were posted on 7/11/97  
 (Month, Day, Year)

Sincerely,  
Gary Freund  
 (Signature of Sign Poster and Date)  
GARY FREUND  
 (Printed Name)

(Address)  
 (City, State, Zip Code)  
 (Telephone Number)

## **CERTIFICATE OF PUBLICATION**

TOWSON, MD., 3/20, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,  
A. Henikson  
 LEGAL AD., - TOWSON

NOTICE OF PUBLICATION  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing in accordance with the provisions of the Zoning Regulations of Baltimore County, on the following petition for a Special Hearing, at the County Office Building, Room 111, 111 West Chesapeake Avenue, Towson, Maryland, on the 7th day of April, 1997, at 10:00 A.M. The hearing will be held in accordance with the provisions of the Zoning Regulations of Baltimore County, and the public is invited to attend and be heard.  
 3046 March 20 C17922

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 DATE: 2-6-97 ACCOUNT: FEEL-1150  
 AMOUNT: \$ 50.00  
 RECEIVED FROM: Bobby Berger  
 FOR: 316 George Ave  
 \$ 100.00  
 0347180193MCHRC \$50.00  
 84 C031204PM02-06-97  
 VALIDATION OR SIGNATURE OF CASHIER  
scm

## **Exhibit B**

Request for Zoning: Variance, Special Exception, or Special Hearing  
 Date to be Posted: Anytime before but no later than \_\_\_\_\_  
 Format for Sign Printing, Black Letters on White Background:

## **ZONING NOTICE**

Case No.: 97-376-SPH.

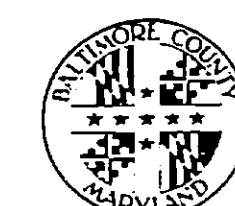
A PUBLIC HEARING WILL BE HELD BY  
 THE ZONING COMMISSIONER  
 IN TOWSON, MD.

PLACE:  
 DATE AND TIME:  
 REQUEST: A SPECIAL HEARING TO APPROVE THE USE OF A SHIPPING CONTAINER (FOR USE AS A STORAGE SHED) AS A LEGAL NON-CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
 TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW  
 HANDICAPPED ACCESSIBLE

996  
 post.4.doc



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

## **ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
 Item No.: 376  
 Petitioner: Bobby Berger  
 Location: 316 George Ave Baltimore, MD. 21221  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: Bobby (Al Jansen) Berger  
 ADDRESS: 1215 Ridge Shire Rd  
Baltimore, MD 21222  
 PHONE NUMBER: (410) 282-7020

AJ:eggs

(Revised 09/24/96)





BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits and Development  
Management  
DATE: March 12, 1997

FROM: Pat Keller, Director  
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 342, 368, 369, 370, 372, 373, and 376

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Kenna*

PK/JL

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management  
Date: March 24, 1997

FROM: Robert W. Bowling, Chief  
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting  
for March 24, 1997  
Item Nos. 370, 372, 373, 376 & Case No. CR-97-243

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:cab

cc: File

ZONE324.NOC

Case No. 97-376-SPH SPH -To approve a shipping container (as an accessory structure) as a legal nonconforming use.

4/29/97 -Z.C.'s Order in which Petition for Special Hearing was DENIED.

9/26/97 -Notice of Assignment for hearing scheduled for Thursday, December 11, 1997 at 10:00 a.m. sent to following:

Mr. & Mrs. Bobby Berger  
Michael Kaminski /Builder  
Robert F. Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller, Director /Planning  
Lawrence E. Schmidt /Z.C.  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

12/11/97 -Board convened for hearing at 10:00 a.m. as scheduled; Protestants appeared; Petitioner did not appear, nor did his representative. At 10:20 a.m., a call was placed to Mr. Berger, who indicated that the container had been removed and he was not proceeding with the appeal; he thought it had been dismissed.

The Board reconvened and dismissed the matter on the record. Order of Dismissal to be issued. (K.C.W.)

FILE#:	97-376-SPH	APP-97 # 44
NAME:	Berger, Bobby, et ux	
STREET:	George Avenue, NE/c, & Beck Road (316 George Ave.)	
TYPE:	SPH -shipping container as accessory structure	
DISTRICT:	15.7	
DATE APPEALED:	5/28/97	
HRG. DATE:	12/11/97	
ORDER DATE:		
DECISION:	Note: T/C from neighbor 11/13/97-container removed	
CLOSED:		
UP:		

CEA AWAITING REQUEST TO DISMISS. IF MR. BERGER/APPEALS  
50 CHANCES. 11-15-97

ITEM342/PZONE/2AC1



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 3, 1997

Mr. Robert F. Hopkins  
310 George Avenue  
Essex, MD 21221

RE: Petition for Special  
Hearing  
NEC George Ave. & Beck Rd.  
(316 George Avenue)  
15th Election District  
7th Councilmanic District  
Bobby Berger, et ux -  
Petitioner  
Case No. 97-376-SPH

Dear Mr. Hopkins:

Please be advised that an appeal of the above-referenced case was filed in this office on May 28, 1997 by Michael Kaminski and Robert Berger. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you have any questions concerning this matter, please do not hesitate to call 410-887-3180.

Sincerely,

*Arnold Jablon*

ARNOLD JABLON  
Director

AJ:rye

c: Mr. Howard Wimbley  
People's Counsel

RECEIVED  
COUNTY BOARD OF APPEALS  
97 JUN -5 AM 11:18

APPEAL

Petition for Special Hearing  
NEC George Avenue & Beck Road  
(316 George Avenue)  
15th Election District - 7th Councilmanic District  
Bobby Berger, et ux - Petitioners  
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Petition for Special Hearing

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People's Counsel of Baltimore County, M.S. 2010  
Lawrence Schmidt, Zoning Commissioner  
Arnold Jablon, Director of PDM

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Permits & Development Management  
DATE: September 28, 1998

FROM: Charlotte E. Radcliffe  
County Board of Appeals

SUBJECT: Closed File:  
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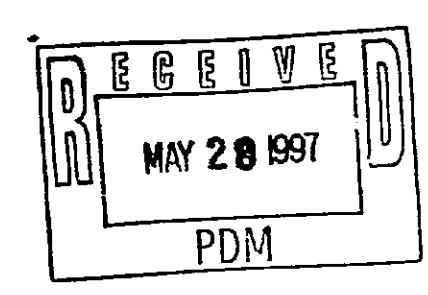
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Respectfully,  
*Bobby "Al Jolson" Berger*  
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Attn  
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I Am requesting an appeal on  
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steep grade on 316 George Ave  
located in Balto. Co (Essex)

Case no. 97-376-SPH  
Property 316 George Ave

Mr. Michael Kaminski  
Plot Bigger  
Plot Bigger



**Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing**

PROPERTY ADDRESS: 316 George Ave see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Essex  
 Plot book: 3, lot 15, lot 19, section A  
 OWNER: Bobby Binger

Property Total 125'  
Side walk 45'

Back rd 20'

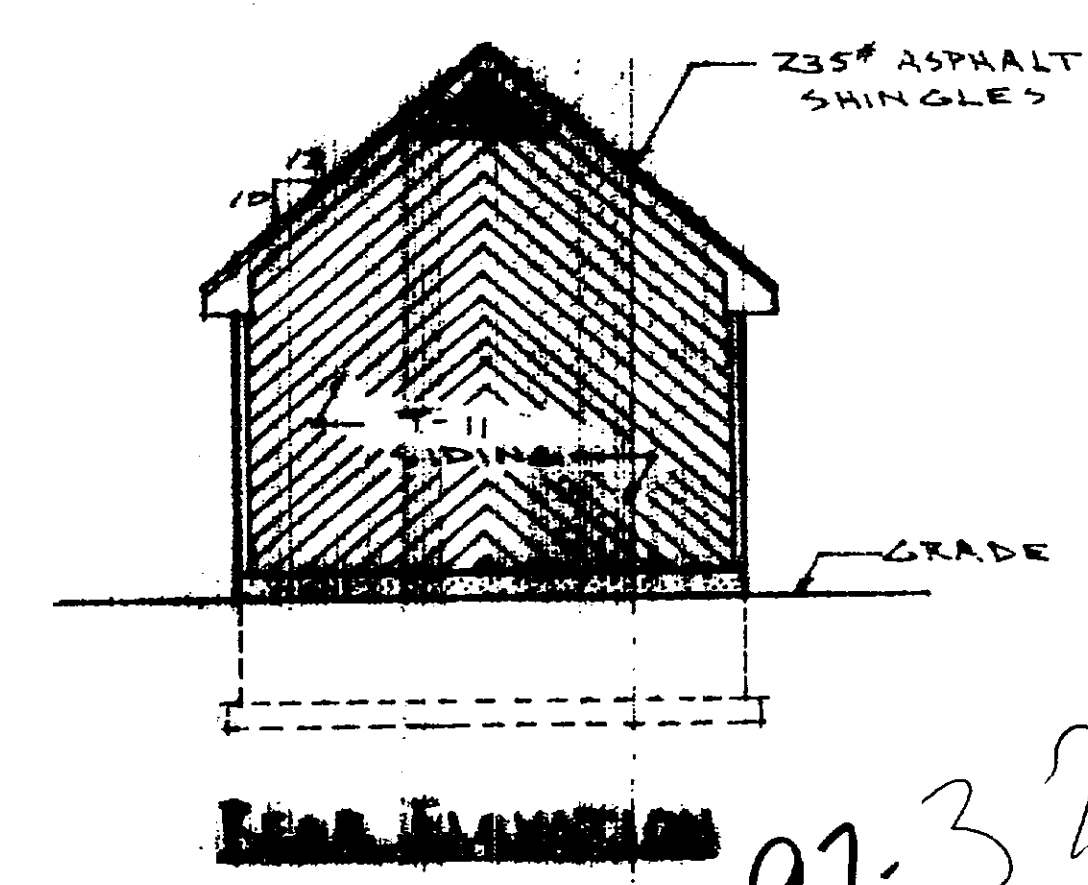
**LOCATION INFORMATION**  
 Election District: 15  
 Councilmanic District: 7  
 1"=200' scale map: NE 29  
 Zoning: DR 5.5  
 Lot size: 1/4 acre 6875 square feet

SEWER: ☒  
 WATER: ☒  
 Chesapeake Bay Critical Area: ☒  
 Prior Zoning Hearings: 0

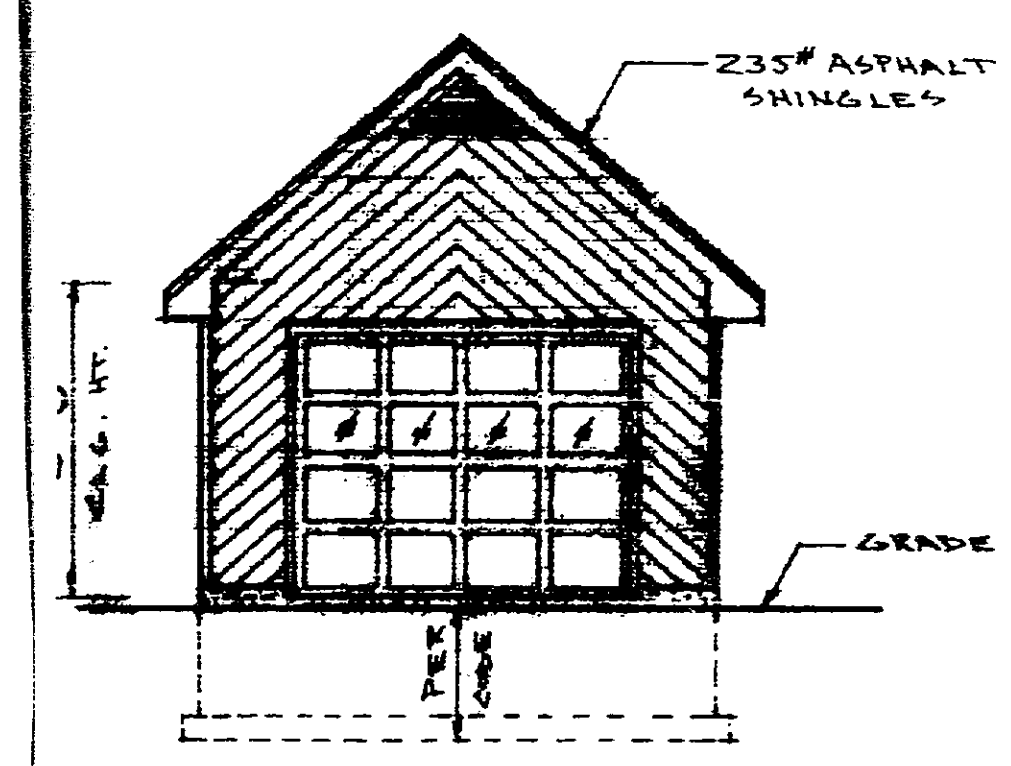
**Zoning Office USE ONLY!**  
 reviewed by: ITEM #1 CASE #:  
SWM 376

North  
 date: 2-6-97  
 prepared by: owner  
 Scale of Drawing: 1"=20'

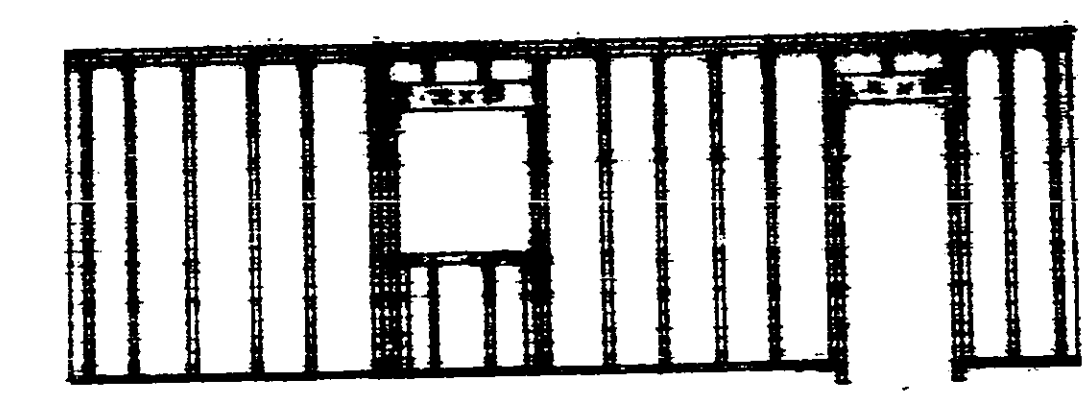
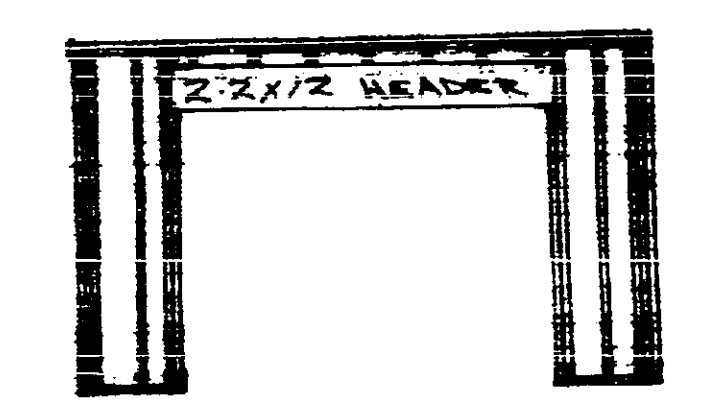
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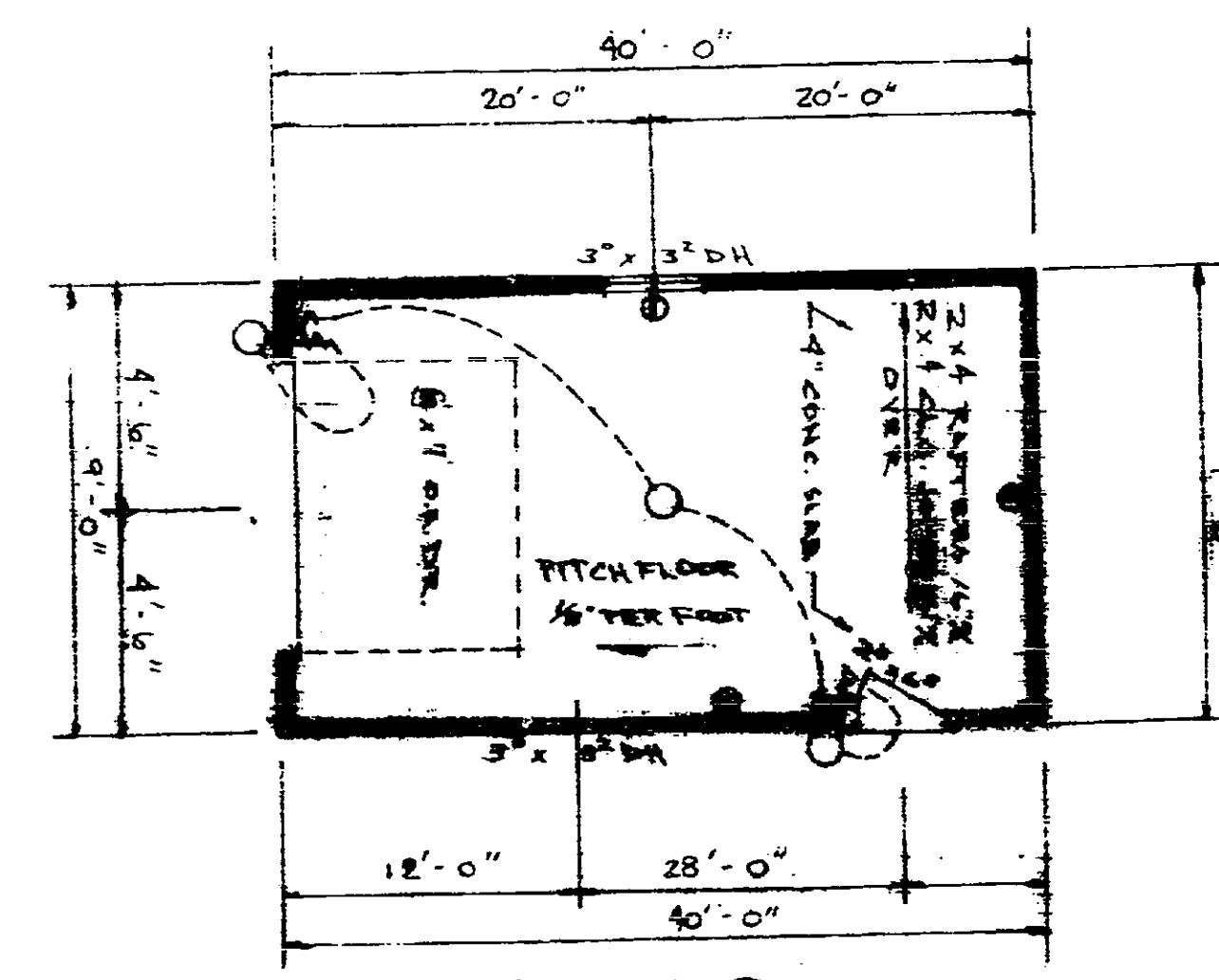
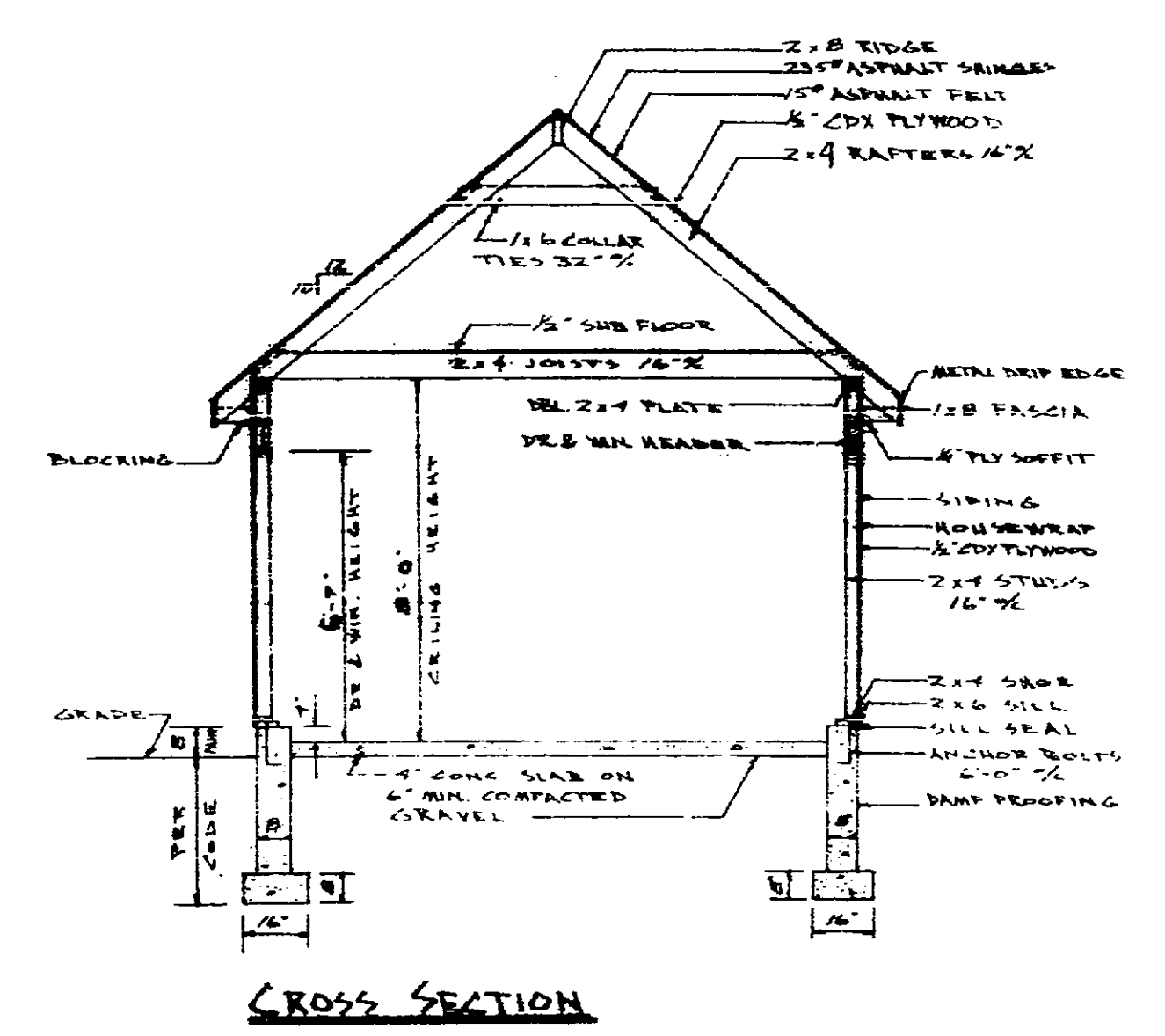
97-376-SPH



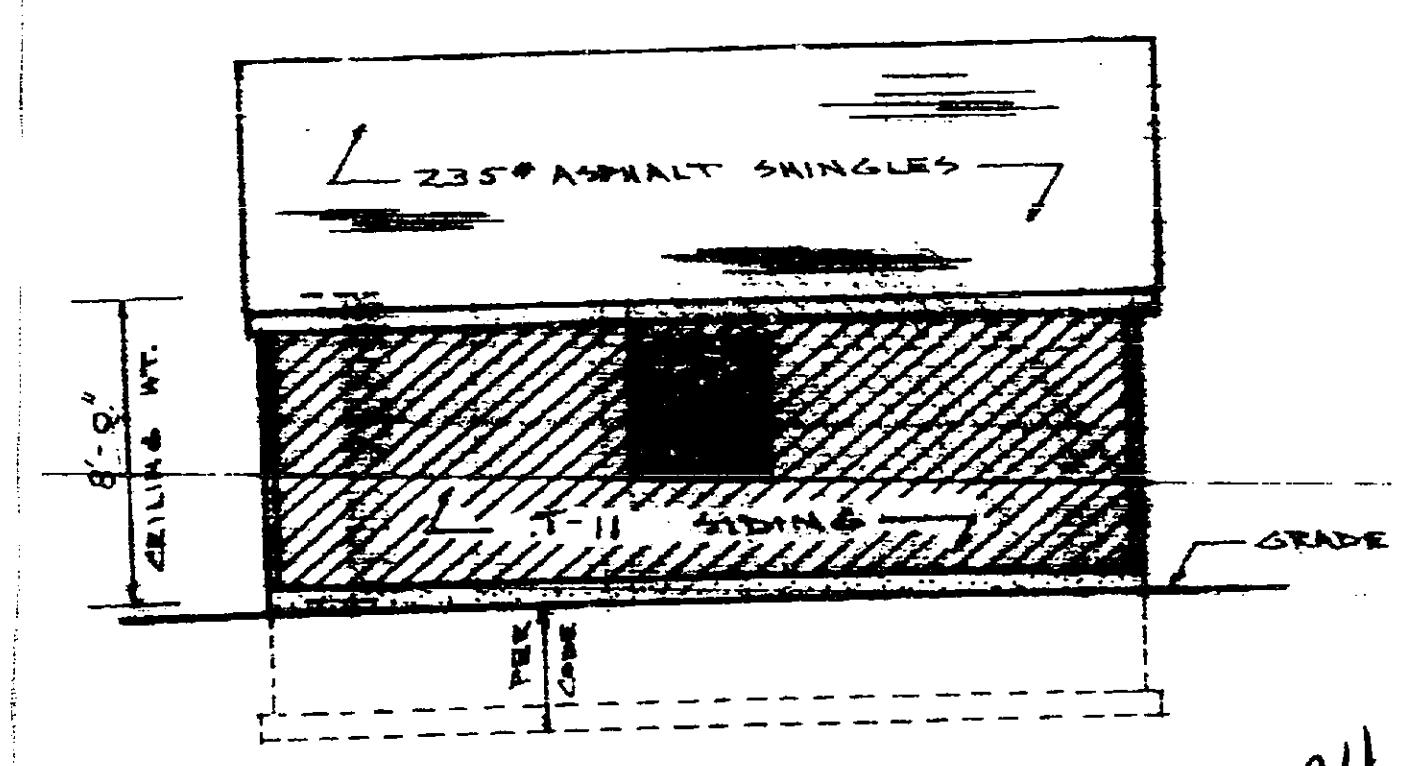
97-376-SPH



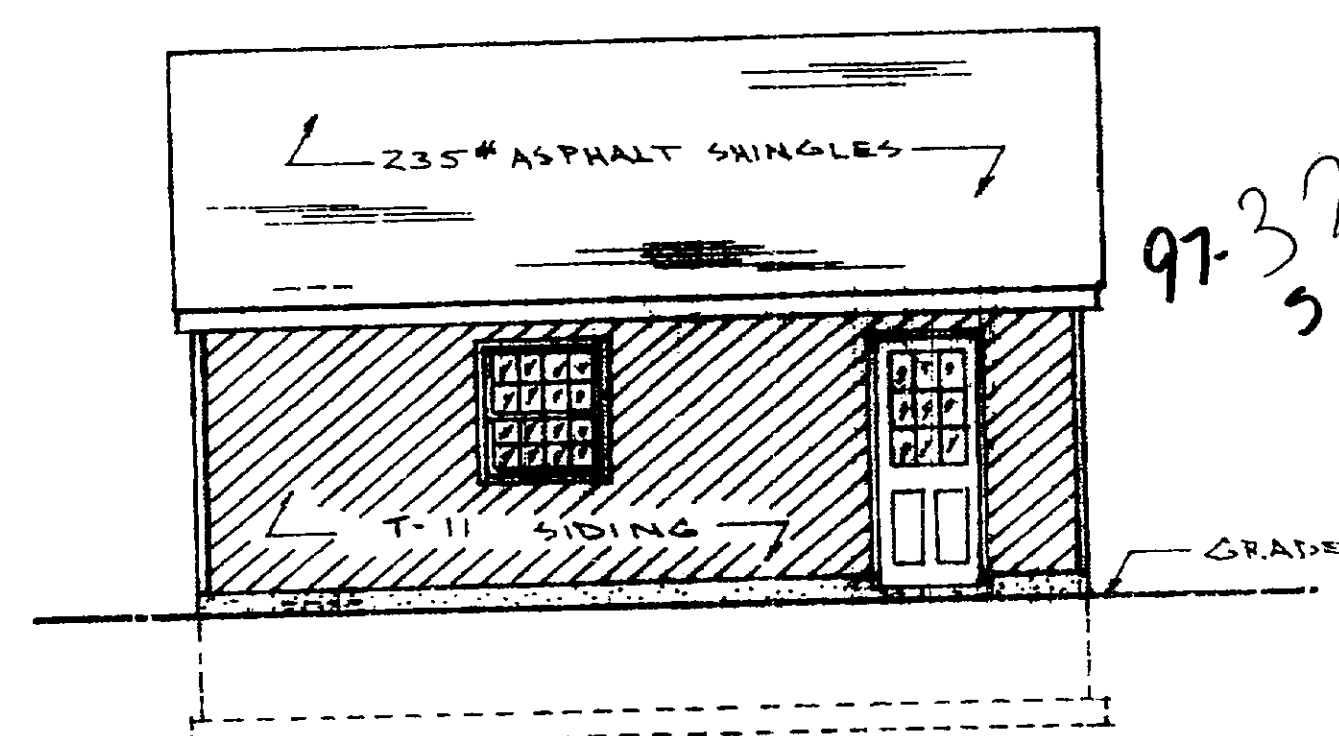
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 BY MANUFACTURER



97-376-SPH

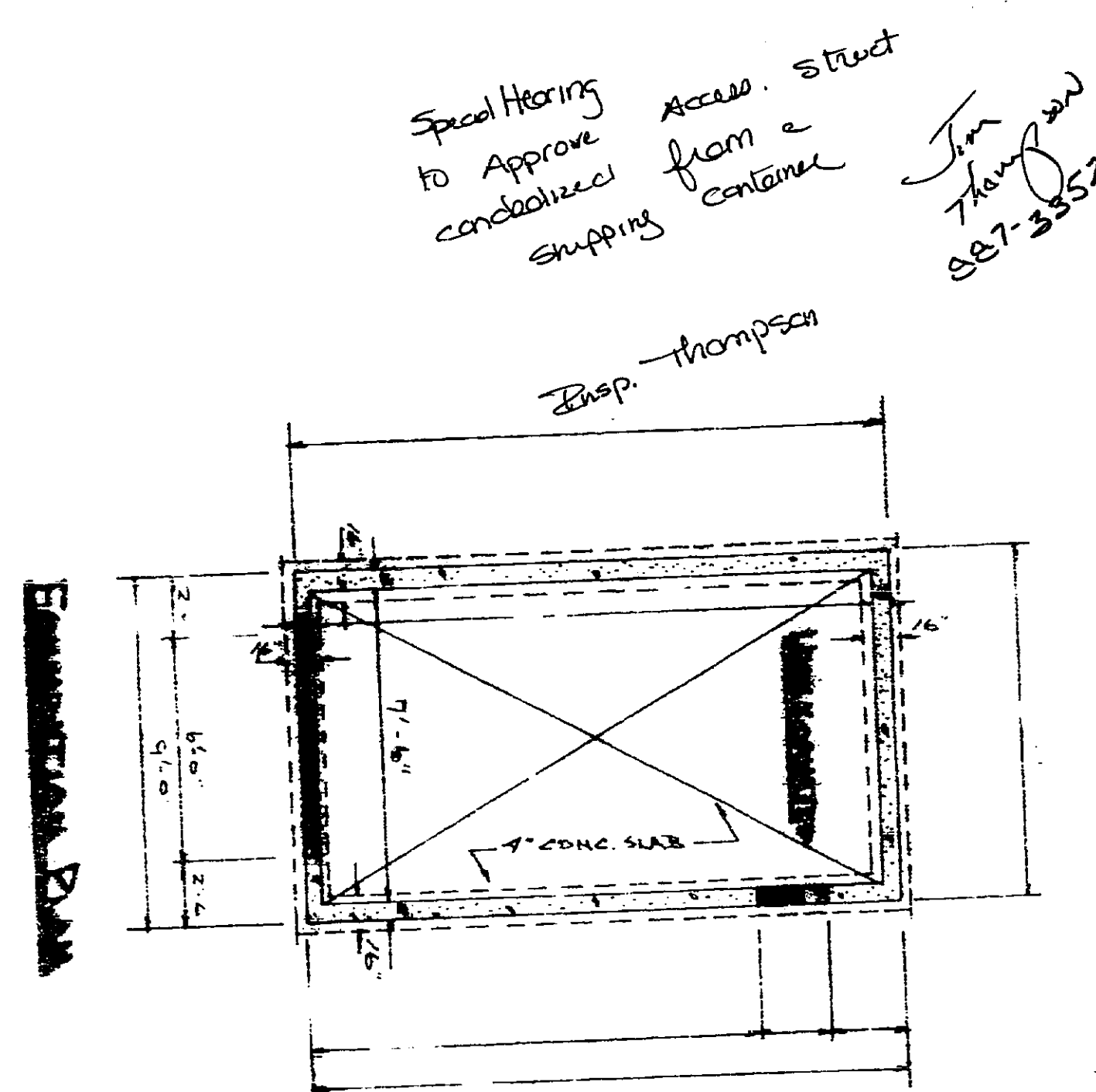


97-376-SPH



**RIGHT ELEVATION**

97-376  
SPH



97-376-SPH



97-376-SPH

RC 50

DR 5.5

DR 10.5

DR 16

BL 45

BR 45

BM 45

CCC

ESSEX ELEMENTARY SCHOOL

1996 COMPREHENSIVE ZONING MAP

BALTIMORE COUNTY

SCALE 1" = 200'

LOCATION

SHEET

SCALE 1" = 200' ±	LOCATION	SHEET
DATE OF PHOTOGRAPHY JANUARY 1986	ESSEX	N E 2-G

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

*Kevin Kawano*  
Chairman, County Council



IN THE MATTER OF  
THE APPLICATION OF  
BOBBY BERGER, ET UX  
FOR SPECIAL HEARING ON  
PROPERTY LOCATED ON THE NORTH-  
EAST CORNER GEORGE AVENUE AND  
BECK ROAD (316 GEORGE AVENUE)  
15TH ELECTION DISTRICT  
7TH COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 97-376-SPH

ORDER OF DISMISSAL

This case comes to the Board of Appeals based on an appeal filed on May 22, 1997 by Appellants /Petitioners, based on a decision by the Zoning Commissioner of Baltimore County in which a Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, was denied.

This case was scheduled for public hearing on Thursday, December 11, 1997 at 10:00 a.m., due notice having been given to all interested parties. The Board convened at 10:00 a.m. with the following Protestants in attendance: Mr. Howard Wimbley, Mr. Robert F. Hopkins, and Mrs. JoAnn Hopkins.

None of the Appellants, neither Michael Kaminski nor Bobby Berger, was present. At 10:20 a.m., a telephone call was placed by the Board's Administrator to Mr. Berger, who indicated that the shipping container had been removed, as directed in the Zoning Commissioner's Order of April 29, 1997; and that the appeal could be dismissed.

The Board reconvened and, on the record, dismissed the appeal, with prejudice.

Case No. 97-376-SPH Bobby Berger, et ux -Petitioners

ORDER

IT IS THEREFORE, this 22nd day of December, 1997 by the County Board of Appeals of Baltimore County  
ORDERED that said appeal be and the same is hereby DISMISSED, with prejudice.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

Kristine R. Howanski, Chairman  
Charles L. Marks  
Margaret Worrell



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49  
400 WASHINGTON AVENUE  
TOWSON, MARYLAND 21204  
410-887-3180

December 22, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, MD 21222

RE: Case No. 97-376-SPH  
Bobby Berger, et ux -Petitioners

Dear Mr. and Mrs. Berger:

Enclosed please find a copy of the Order of Dismissal issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Very truly yours,

Charlotte E. Radcliffe for  
Kathleen C. Bianco  
Administrator

encl.

cc: Michael Kaminski  
Robert and Joanne Hopkins  
Howard Wimbley  
People's Counsel for Baltimore County  
Pat Keller  
Lawrence E. Schmidt  
Arnold Jablon, Director /PDM  
Virginia W. Barnhart, County Attorney

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112, Courthouse  
400 Washington Avenue  
Towson, Maryland 21204  
(410) 887-4386

April 29, 1997

Mr. and Mrs. Bobby Berger  
1215 Ridgeshire Road  
Baltimore, Maryland 21222

RE: Petition for Special Hearing  
Case No. 97-376-SPH  
Property: 316 George Avenue

Dear Mr. and Mrs. Berger:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been denied.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn

att: Mr. Michael Kaminski  
527 S. 45th Street  
Baltimore, Maryland 21224

cc: Mr. Robert F. Hopkins  
310 George Avenue  
Essex, Md. 21221

cc: Mr. Howard Wimbley  
314 George Avenue  
Essex, Maryland 21221

Roslin  
175  
36

Printed with Soybean Ink  
on Recycled Paper

IN RE: PETITION FOR SPECIAL HEARING  
NEC George Avenue & Beck Road

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 97-376-SPH  
\* Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 316 George Avenue in Essex. The Petition is filed by Bobby Berger and Linda Berger, his wife, property owners. Special Hearing relief is requested to approve the use of a shipping container (as an accessory structure) as a legal nonconforming use. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Neither property owner/Petitioner appeared at the public hearing. Rather, appearing at the hearing on their behalf was Michael Kaminski who identified himself as employed in the construction industry. Two neighbors from the surrounding locale appeared in opposition to the request; namely, Robert F. Hopkins and Howard Wimbley. Neither side was represented by counsel.

Testimony and evidence offered was that the subject property is approximately 1/4 acre in area, zoned D.R.5.5. The property is located adjacent to the intersection of Beck Road and George Avenue, not far from Eastern Avenue in Essex. Apparently, the property is unkempt and is in a state of disrepair. It has been an eyesore to the community and is the subject of an active zoning violation case, the disposition of which is pending the resolution of this matter.

RE: PETITION FOR SPECIAL HEARING  
316 George Avenue, NEC George Ave and Beck Rd  
15th Election District, 7th Councilmanic

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 97-376-SPH

Legal Owner(s): Bobby and Linda Berger  
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

Carole S. Demilio  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 25th day of April, 1997, a copy of the foregoing Entry of Appearance was mailed to Michael Kaminski, 527 S. 45th Street, Baltimore, MD 21224, representative for Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 4/29/97  
By [Signature]

time. Clearly, it has not existed on the site prior to the time the zoning regulations/policy which prohibit the storage of trailers on residential properties were adopted.

In this regard, page 4-1.5 of the Zoning Commissioner's Policy Manual regulates trailers, shipping containers, truck bodies and similar vehicles. That section of the Manual indicates that such vehicles are not permitted on residential properties as principal or accessory structures. Thus, clearly, the Petition for Special Hearing must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of April 1997 that, pursuant to the Petition for Special Hearing, approval for the use of a shipping container (as an accessory structure) as a legal nonconforming use, be and is hereby DENIED, and subject to the following:

1. The property owners/Petitioners must remove the subject trailer within 30 days from the date of this Order.

Any appeal from this decision must be taken in accordance with Section 26-209 of the Baltimore County Code and the applicable provisions of law.

Lawrence E. Schmidt  
Zoning Commissioner  
for Baltimore County

LES:mmn

Mr. Kaminski indicated that the subject property is improved with a two apartment building, which is presently unoccupied. The site plan indicates that the building is 22 ft. in width and 45 ft. in depth. The property also contains an 18 x 19 ft. detached garage. The subject of the hearing is a tractor trailer type container which was moved onto the property several months ago. Mr. Kaminski indicated that the container was needed for storage purposes; in that the garage is deteriorating and unusable. He indicated that the property owners have plans to build a structure around the trailer, thereby masking its appearance, however, no formal building plans were submitted at the hearing.

The Protestants are suspicious of the property owners' intentions. Mr. Hopkins and Mr. Wimbley indicated that the property has been an eyesore for the community for some time. They testified that the trailer recently appeared on the site and indicated that they were concerned that the property would further deteriorate. They also oppose the location of the trailer on the site, believing that same gives this residential neighborhood an industrial/commercial appearance.

It is difficult to understand why the property owners have filed the request which is before me. As noted above, that Petition asks that the container be approved as a legal nonconforming use. However, no evidence was offered to support that claim.

Nonconforming uses are defined in Section 104 of the Baltimore County Zoning Regulations (BCZR). Essentially, a nonconforming use is a use of property which is illegal under the zoning regulations but may be made legitimate if same predates the date of the adoption of the regulation which prohibits the use. The nonconforming use designation is used to "grandfather" an otherwise existing use.

Clearly, this use is not nonconforming. Uncontradicted testimony offered was that the trailer has been on the property but for a short





# **Petition for Special Hearing** **to the Zoning Commissioner of Baltimore County**

for the property located at 316 George Ave  
 which is presently zoned DR SS

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve THE USE OF A SHIPPING CONTAINER (FOR USE AS AN ACCESSORY STRUCTURE) AS A LEGAL NON-CONFORMING USE.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode  
 Attorney for Petitioner:  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode

Legal Owner(s):  
 (Type or Print Name)  
 Signature  
 Address  
 City State Zipcode  
 ESTIMATED LENGTH OF HEARING  
 the following date: March 21, 1997 (Month, Day, Year)  
 ALL OTHER  
 REVIEWED BY: gum DATE: 3-6-97  
376

## **CERTIFICATE OF POSTING**

RE: Case # 97-376-A  
 Petitioner/Developer:  
 (Bobby Berger)  
 Date of Hearing/Closing:  
 (April 7, 1997)

Baltimore County Department of  
 Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

Attention: Ms. Gwendolyn Stephens

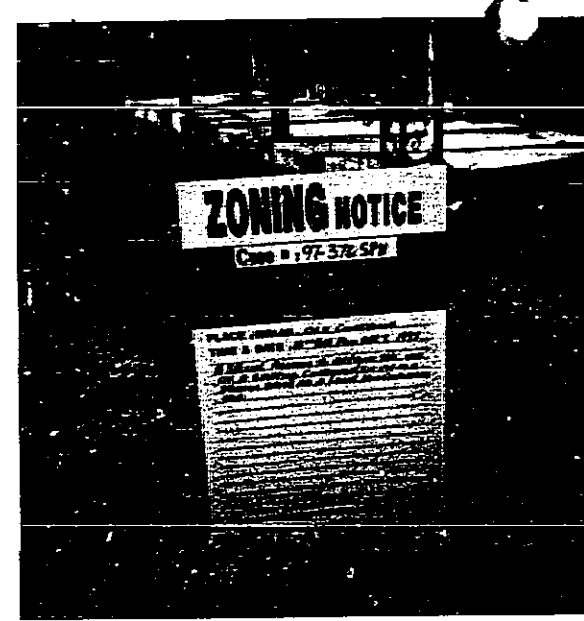
Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 316 George Ave. Baltimore, Maryland 21221

The sign(s) were posted on March 21, 1997 (Month, Day, Year)

Sincerely,  
Thomas P. Ogilvie, Sr.  
 (Signature of Sign Poster and Date)

Thomas P. Ogilvie, Sr.  
 (Printed Name)  
 325 Nicholson Road  
 (Address)  
 Baltimore, Maryland 21221  
 (410) 687-8485  
 (Telephone Number)



97-376-SPH

ZONING DESCRIPTION FOR 316 George Ave  
 (address)  
 Beginning at a point on the West side of  
 (north, south, east or west)  
George Ave which is 28' Ft  
 name of street property fronts/number of feet of right of way width  
 wide at the distance of 275 Ft North of the  
 (number of feet) (north, south, east, west)  
 centerline of the nearest improved intersecting street Mace Ave  
 (name of street)  
 which is 36' Ft wide. \*Being Lot # 19  
 (number of feet of right-of-way width)  
 Block --- Section --- in the subdivision of ESSEX  
 (name of subdivision)  
 as recorded in Baltimore County Plat Book # 3, Folio # 15,  
 containing 6710 Sq. Ft. Also known as 316 George Ave  
 (square feet or acres) (property address)  
 and located in the 15 Election District, 7 Councilmatic  
 District.

## **CERTIFICATE OF POSTING**

RE: Case No.: 97-376 SPH  
 Petitioner/Developer:  
BOBBY BERGER  
 Date of Hearing/Closing:

Baltimore County Department of  
 Permits and Development Management  
 County Office Building, Room 111  
 111 West Chesapeake Avenue  
 Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 316 GEORGE AVE

The sign(s) were posted on 7/11/97 (Month, Day, Year)

Sincerely,  
Gary Freund  
 (Signature of Sign Poster and Date)

GARY FREUND  
 (Printed Name)  
 (Address)  
 (City, State, Zip Code)  
 (Telephone Number)

## **CERTIFICATE OF PUBLICATION**

TOWSON, MD., 3/20, 1997

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/20, 1997.

THE JEFFERSONIAN,  
 A. Henikson  
 LEGAL AD., - TOWSON

NOTICE OF PUBLICATION  
 The Zoning Commissioner of Baltimore County, by authority of the Zoning and Regulations of Baltimore County, will hold a public hearing in accordance with the provisions of the Zoning Regulations of Baltimore County, at the County Office Building, Room 111, 111 West Chesapeake Avenue, Towson, Maryland, on the 7th day of April, 1997, at 10:00 A.M. to hear the case of Bobby Berger, Petitioner, for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve the use of a shipping container (for use as an accessory structure) as a legal non-conforming use. For information concerning the hearing, please call 887-3391.

BALTIMORE COUNTY, MARYLAND  
 OFFICE OF FINANCE - REVENUE DIVISION  
 MISCELLANEOUS CASH RECEIPT  
 DATE: 2-6-97 ACCOUNT: FEEL-1150  
 AMOUNT: \$ 50.00  
 RECEIVED FROM: Bobby Berger  
 FOR: 316 George Ave  
 FOR: How. (030)  
 0347180193MCHRC \$50.00  
 SA C031204PM02-06-97  
 VALIDATION OR SIGNATURE OF CASHIER  
scm

## **Exhibit B**

Request for Zoning: Variance, Special Exception, or Special Hearing  
 Date to be Posted: Anytime before but no later than  
 Format for Sign Printing, Black Letters on White Background:

## **ZONING NOTICE**

Case No.: 97-376-SPH

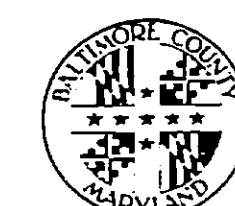
A PUBLIC HEARING WILL BE HELD BY  
 THE ZONING COMMISSIONER  
 IN TOWSON, MD.

PLACE:  
 DATE AND TIME:  
 REQUEST: A SPECIAL HEARING TO APPROVE THE USE OF A SHIPPING CONTAINER (FOR USE AS A STORAGE SHED) AS A LEGAL NON-CONFORMING USE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW  
 HANDICAPPED ACCESSIBLE

996  
 post.4.doc



Baltimore County  
 Department of Permits and  
 Development Management

Development Processing  
 County Office Building  
 111 West Chesapeake Avenue  
 Towson, Maryland 21204

## **ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES**

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:  
 Item No.: 376  
 Petitioner: Bobby Berger  
 Location: 316 George Ave Baltimore, MD. 21221  
 PLEASE FORWARD ADVERTISING BILL TO:  
 NAME: Bobby (Al Jansen) Berger  
 ADDRESS: 1215 Ridge Shire Rd.  
Baltimore, MD 21222  
 PHONE NUMBER: (410) 282-7020

AJ:eggs

(Revised 09/24/96)